



CRIMINAL JUSTICE
COMMISSION

**REPORT ON
AN INVESTIGATION CONDUCTED BY
THE HONOURABLE R H MATTHEWS QC
INTO THE IMPROPER DISPOSAL
OF LIQUID WASTE
IN SOUTH-EAST QUEENSLAND**

**VOLUME II
TRANSPORTATION AND DISPOSAL**

OCTOBER 1994

© Criminal Justice Commission, 1994.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the COPYRIGHT ACT, no part may be reproduced by any process without permission. Inquiries should be made to the publisher, Criminal Justice Commission (Queensland).

ISBN 0 7242 6307 1

Printed by Goprint, Brisbane.



CRIMINAL JUSTICE COMMISSION

Telephone: (07) 360 6060

Facsimile: (07) 360 6333

Your Ref.:

Our Ref.:

Contact Officer:

The Hon Dean Wells MLA
Minister for Justice and Attorney-General and
Minister for the Arts
Parliament House
George Street
BRISBANE Q 4000

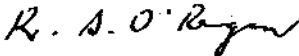
The Hon Jim Fouras MLA
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE Q 4000

Mr Ken Davies MLA
Chairperson
Parliamentary Criminal Justice Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sirs,

In accordance with Section 26 of the *Criminal Justice Act 1989*, the Commission hereby furnishes to each of you Volume II of its Report on an investigation conducted by the Honourable R H Matthews QC into allegations of improper disposal of liquid waste in South-East Queensland.

Yours faithfully


R S O'REGAN QC
Chairperson

7 October 1994

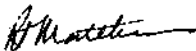
Mr P M Le Grand
Director
Official Misconduct Division
Criminal Justice Commission
557 Coronation Drive
TOOWONG QLD 4066

Dear Mr Le Grand

By resolution of 9 September 1993, I was engaged by the Commission to investigate the improper disposal of liquid waste in South-East Queensland. On 9 June 1994, I forwarded to you a report concerning the limited amount of evidence I received on the mining industry.

I now forward to you Volume 2 of my report of the investigation in order that, in the discharge of your responsibilities, you may report to the Chairman.

Yours sincerely



R H MATTHEWS QC

TABLE OF CONTENTS

| | |
|--|----|
| CHAPTER 1 - INTRODUCTION | 1 |
| Background | 1 |
| The Chairman's Direction | 3 |
| Standard of Proof | 4 |
| Public Hearing Dates and Appearances | 6 |
| Logistics of the Investigation | 6 |
| Directions to Witnesses to Answer Questions | 7 |
| The Reporting of the Public Hearings | 7 |
| Scope of this Report | 8 |
| Definition of Terms | 8 |
| Other Studies on Liquid Waste | 9 |
| Transpacific Industries Pty Ltd | 12 |
| Transpacific Executives | 13 |
| Marsden Plant Layout | 13 |
| Murarrie Plant Layout | 14 |
| | |
| CHAPTER 2 - THE INVESTIGATION | 17 |
| The Complaint | 17 |
| Allegations Against Transpacific | 18 |
| The Jurisdiction of the Criminal Justice Commission | 19 |
| Evidence From Drivers | 20 |
| Oil and Other Liquids | 23 |
| Drivers Based at Marsden or Murarrie | 24 |
| Meeting with Threats to Employment | 29 |
| | |
| CHAPTER 3 - EXAMINATION OF THE PLANTS' OPERATIONS | 31 |
| The Operation of the Marsden Plant | 31 |
| Plant Presentation | 36 |
| Greased In | 40 |
| Other Materials Including Septic Waste | 43 |
| Murarrie Plant | 46 |
| Evidence from the Plant Manager | 46 |
| Evidence of Waste Division Manager | 52 |
| Evidence from a Company Director | 58 |
| Examination of Supporting Documentation | 60 |
| Collection and Examination of Records | 60 |
| Documents Used | 61 |
| Results of Analysis | 62 |

| | |
|--|------------|
| Evidence from Local Authority Officers re Marsden and Murarrie Plants | 68 |
| Marsden Plant | 68 |
| Murarrie Plant | 71 |
| The Expectation of Generators | 72 |
| Evidence of Drivers From Other Transport Companies | 74 |
| | |
| CHAPTER 4 – SUPPLEMENTARY INVESTIGATIONS | 77 |
| Ace Waste | 77 |
| Incident – Nudgee Transfer Station | 81 |
| Survey of Generators | 82 |
| | |
| CHAPTER 5 – PRESENT LAWS CONCERNING LIQUID WASTE DISPOSAL | 85 |
| Health Act 1937 | 86 |
| Refuse Management Regulations 1983 | 86 |
| Standard Sewerage By-laws | 87 |
| Clean Waters Act 1971 | 88 |
| The Carriage of Dangerous Goods by Road Act 1984 | 89 |
| The Contaminated Land Act 1991 | 89 |
| The Environmental Protection Bill 1994 | 89 |
| | |
| CHAPTER 6 – EVIDENCE FROM COUNCILS AND TRANSPORT DEPARTMENT | 91 |
| Willawong and BCC Action | 91 |
| Evidence from Councils | 92 |
| Transport Department Supervision of Hazardous Liquid Waste | 95 |
| | |
| CHAPTER 7 – SOME RECENT HISTORY OF WASTE MANAGEMENT .. | 99 |
| | |
| CHAPTER 8 – SUBMISSIONS TO THE HEARING | 105 |
| Expert Opinions | 105 |
| Submission on behalf of Transpacific Industries | 108 |
| Submissions from Hutton | 113 |
| Other Submissions | 114 |
| | |
| CHAPTER 9 – CONCLUSIONS AND RECOMMENDATIONS | 115 |
| Whether Criminal Proceedings Should Be Brought Against Any Person | 115 |

| | |
|--|-----|
| Was There Evidence of Official Misconduct? | 118 |
| Recommendations | 118 |

APPENDICES

| | | |
|------------|---|---|
| Appendix 1 | - | Directions from Chairman and Resolution of the Commission |
| Appendix 2 | - | Public Notice of the Hearings |
| Appendix 3 | - | Summary of Hazardous Substances Legislation and Departmental Responsibilities prepared by Public Sector Management Commission |
| Appendix 4 | - | Summary of Information Received from 60 Local Authorities in South-East Queensland |
| Appendix 5 | - | Summary of Information with Respect to Local Authorities in Queensland Prepared by Mr G Sparks of Transpacific |

CHAPTER 1 - INTRODUCTION

BACKGROUND

This report results from investigative hearings conducted by the Criminal Justice Commission in late 1993 and early 1994.

The investigation arose from allegations that liquid waste transport businesses were defrauding members of the public and Local Authorities of substantial sums of money by not disposing of liquid waste as required. The wastes were said to be harming the environment because of their own characteristics and the manner and volume of disposal. The complaint continued and indicated that such a situation could only exist with the corrupt assistance of public officers.

On 9 September 1993, the Commission resolved to conduct an extended investigation into this area, and for that purpose, resolved to appoint an independent qualified person to conduct the investigation. This resolution followed upon two directions of the Chairman of the Commission to the Director of the Official Misconduct Division to carry out an investigation into these allegations. The resolution of the Commission and the directions of the Chairman are contained in Appendix 1.

Having been appointed to conduct the Inquiry, it was thereupon decided by me, in consultation with Counsel assisting me, Mr C E K Hampson QC¹ and legal officers attached to the Commission, that the investigation should be held by way of a public hearing with evidence taken on oath. The provisions of the *Criminal Justice Act 1989* (the Act) impose prima facie an obligation upon the Commission to hold open hearings. Section 90² of the Act provides that hearings shall, as a general rule, be open to the public but if, having regard to the subject matter of the hearing, or the nature of the evidence expected to be given, the Commission considers it preferable, in the public interest, to conduct a closed hearing, it may do so. This provision recognises the many benefits of holding hearings in public.

The hearings were conducted wholly in public except for issues related to the suppression of names of persons who may have been adversely affected by allegations made against them before there was opportunity for them to give evidence and also the tender of a few confidential exhibits which contained matters

¹ In the interests of economy and consistency, surnames are used without the customary "Mr" or equivalent honorifics and titles will be used only once. No discourtesy is intended.

² The Act has been amended during the course of this investigation. Reference is to the section numbers now in use unless otherwise stated.

of commercial secrecy, personal issues or other sensitive information. These exhibits could only be examined with my consent.

Before the Hearings commenced, an advertisement was placed in *The Courier Mail* and *The Australian* newspapers to advise the public of the terms of the investigation and to request persons with relevant information to come forward. A copy of the advertisement is in Appendix 2.

The hearings commenced on 20 October 1993 with an opening of the issues to be addressed and reception of applications for leave to appear and other procedural matters. It then commenced to take evidence from witnesses from 6 November 1993. The hearing continued intermittently through to April 1994.

Additionally, information was gathered by Commission officers from Local Authorities, generators and transporters of liquid waste and various submissions or complaints were received from members of the public. The coercive powers of the Commission were used extensively. Local Authorities were asked to produce information for the investigation and complaints or submissions were received by the Commission from interested persons.

As the investigation evolved it expanded to take evidence in relation to matters beyond the initial complaint but still within the terms of the directions of the Chairman. This included evidence from medical waste disposal companies and the mining industry plus government departments and local authorities. I reported separately to the Commission on the investigation in relation to mining issues on 9 June 1994. That report was presented to Parliament on 5 August 1994.

The original complaint contained detailed information concerning Transpacific Industries Pty Ltd (Transpacific), which with its subsidiaries, carried on the largest liquid waste transport and disposal businesses operating in the Brisbane and Logan districts. Whilst it carried with it allegations of corrupt conduct by public officials, it did not identify any individual official. At first sight much of the complained of activity was not a matter for this Commission. Pollution control and the failure by business to adhere to correct practices are the responsibility of a multitude of regulatory bodies at all levels of government.

Nevertheless, because the informant had a background which apparently gave him access to the information supplied, the Commission made a preliminary assessment of his information. This included examining the relevant laws, seeking advice from persons with expertise in the area with regard to methods of gathering evidence and devising strategies for a feasible investigation.

During this phase of the investigation, staff of the Queensland Health Department (Health), Department of Environment & Heritage (DEH) and Brisbane City Council (BCC) were interviewed. It appeared that the control of the disposal of liquid waste was fragmented across a number of bodies and that few resources were available to overview the industry. Studies conducted in the previous decade had all reported that a sizeable amount of liquid waste was unaccounted for. The cost of legal disposal of some liquid waste was seen to be more than the maximum fine for improperly discharging it into the sewer. Because of the volume of material disposed of, the profits available to an unscrupulous business were enormous. When profits are available from illegal activity, the opportunity for corruption exists.

The Commission was concerned to keep the investigation manageable. As the informant had supplied information concerning the businesses operated under the umbrella of Transpacific, the Commission started the active phase of the investigation with that group but recognised that the investigation might well expand from there.

THE CHAIRMAN'S DIRECTION

On 9 March 1993, the Chairman issued a direction to the Official Misconduct Division to carry out an investigation into the persons and entities engaged in the disposal of liquid waste in the Brisbane and Logan areas.

An application under the Act was made to the Supreme Court. Mr Justice Moynihan authorised the issue of search warrants to obtain documents from Transpacific and its subsidiary entities and on 25 March 1993, the three search warrants authorised by the Supreme Court were executed at three premises of the group. A substantial quantity of documents was obtained.

Given the volume of these documents, a sample of three months was initially chosen to see if the original information could be verified and a computerised database was created to allow the reconciliation of information from a wide variety of documents obtained from the company and the BCC. To facilitate this, a request was made to Health and DEH for four data support staff. The former was unable to make staff available but DEH supplied one of its own officers and retained three temporary staff to assist. In the event, data for four months were used in the time allowed for this phase of the operation. In effect, this permitted the tracing of each load of waste from its point of collection to its point of disposal or to indicate that it was not recorded as being taken to any authorised disposal point.

The information gathered as a result of this analysis indicated substantial discrepancies between the amount of material recorded as collected and the amount advised to Local Authorities. As the business conducted transactions throughout other parts of South-East Queensland and allegations had come to the Commission concerning the industry as a whole, the investigation was expanded to address all of South-East Queensland rather than the limited area of Brisbane and Logan. A direction to the Director of the Official Misconduct Division was issued by the Chairman on 9 September 1993 to this effect.

The investigation chose the Local Authorities in the area extending from Goondiwindi to Miles and across to Miriamvale as encompassing South-East Queensland. (See Figure 1.)

STANDARD OF PROOF

The very nature of an investigation under the Act and especially the fact that the Commission is not bound by the rules of evidence applicable to proceedings in a court, raises the question as to the degree of satisfaction which should be attained before considering an adverse finding in respect of any person. The Act is silent on the standard of proof required; however, after consideration of the authorities, I considered that the appropriate standard of proof was a civil standard which varies according to the gravity of the finding to be made. This standard is often called the Briginshaw Principle or the Standard of 'Reasonable Satisfaction' and in applying it, I adopted a statement of Sir Owen Dixon in *Briginshaw v. Briginshaw* (1938) CLR336 at 361 - 362 where he stated:

"Reasonable satisfaction" is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences following from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect references.

I am comforted in my view that the requisite standard is that of 'reasonable satisfaction' by the adoption of that standard in similar Inquiries such as the Parliamentary Judges Commission of Inquiry (1989), which examined the conduct and behaviour of the former Mr Justice Angelo Vasta. I note that the same standard was also adopted by the Honourable W J Carter QC in his report of August 1993 on his Inquiry into the selection of the jury for Johannes Bjelke-Petersen and I adopted the same standard in the investigation into allegations by Lorrelle Saunders.

FIGURE 1 - MAP OF SOUTH-EAST QUEENSLAND



PUBLIC HEARING DATES AND APPEARANCES

The public hearings commenced on 20 October 1993. The Commission sat for a total of 40 days spread over seven months terminating on 15 April 1994. Hampson was appointed Senior Counsel Assisting the Commission and Mr B Thomas was appointed as Junior Counsel Assisting. Mr I Callinan QC and Mr J Bell QC appeared for Transpacific and its subsidiaries and employees. On occasion, Mr G Vickery or another solicitor from the firm of Sly and Weigall Cannan & Peterson represented these persons. Other appearances in relation to individual persons or companies were Mr C Bagley for Hunter Brothers Qld Pty Ltd (Hunter Bros) and Ace Waste Pty Ltd (Ace) and Mr C Jones of McNamara and Smith appeared for Department of Minerals and Energy. Mr Drew Hutton, the Convenor of the Queensland Greens was also given leave to appear. Mr T Fisher of T Fisher & Co also appeared for Mr B Fox. Mr H Prokuda of Corrs Chambers Westgarth appeared for the Logan City Council and its officers.

LOGISTICS OF THE INVESTIGATION

In all 80 witnesses were called and gave evidence in public hearings. A further 19 statutory declarations were produced to the Commission. Those declarations were tendered in evidence with the consent of the legal representatives appearing before me. Without objection, a number of reports, maps and other documents were tendered in evidence before me.

Three Search Warrants authorised by the Supreme Court were issued. Fifty-nine Summonses, 246 Notices to Furnish Information, 12 Notices to Produce were issued. Information was voluntarily supplied by a further 182 councils, transporters and generators of waste.

In addition to Thomas' involvement, four Commission investigators, a financial analyst, a legal officer and a support officer were engaged for the majority of the investigation in conducting inquiries, interviewing witnesses and serving Summonses and Notices to Produce and preparing material for the hearing. Further investigative staff were used as required. Additionally, the expertise of officers from every Division of the Commission was called on to assist in various stages of the investigation. DEH provided four data input processors. Health provided the assistance of scientific advisers and the BCC provided assistance from Scientific Services Branch.

DIRECTIONS TO WITNESSES TO ANSWER QUESTIONS

The primary purpose of an investigation under the Act is to ascertain the truth. The rules governing an investigation under the Act, create an environment in which the truth is more likely to be told. In particular, there is the statutory negation of the right to remain silent on the basis of self-incrimination. Subject to matters of form, a person under the Act is not entitled to refuse to answer questions on the ground the answer might tend to incriminate. The trade off is that any answer given by that person cannot be used against him or her in any subsequent criminal, civil or disciplinary proceedings, save perjury arising out of the evidence given before the Commission and contempt of the Commission.

Accordingly, a person is less likely to conceal the truth where the person knows that any truthful answer given cannot be used against him or her in the future.

In this hearing, I directed a number of witnesses with connections to the waste disposal industry to answer questions which might have tended to incriminate them, after they objected to answering such questions. This was an exercise leading to useful and significant admissions relevant to an assessment of industry-wide practices.

THE REPORTING OF THE PUBLIC HEARINGS

Throughout the public hearings, my attention was drawn on some occasions to newspaper articles which were inaccurate, unjustifiably sensationalised and on occasions erroneous. I am aware that some of these articles caused unwarranted distress to persons or company officers in relation to matters attributed to them or their company. This is regretted.

I am not aware of how or why such errors and inaccuracies occurred and, as I observed in my report on the Saunders matter, it may well be that in future when an investigation of significant public importance and complexity is conducted, one senior reporter will be assigned by his or her employer to attend the hearing from beginning to end. This would no doubt go a long way to eliminating errors arising from the lack of familiarity with both the oral evidence previously given in the public hearings and the documentary material tendered.

On the other hand, I should observe that the suppression orders in relation to the names of witnesses and companies were never breached by members of the press and, in fact, in relation to this matter, they showed such circumspection as kept to a minimum identification of witnesses by name until the suppression order was removed by me.

SCOPE OF THIS REPORT

I should make it clear at the start that this report does not attempt to judge the relative merits of particular technologies for treatment of waste or indicate the appropriate standards of wastes to be discharged to the environment.

I possess no scientific expertise, but, having seen what occurred, I have made recommendations in areas which I believe may be of assistance to those who do possess expertise and authority in the area of waste management and environmental protection.

In reporting what happened, I have named individuals and companies in this report. It is unavoidable if the facts are to be told and understood. However, the mere fact of naming a person should not be taken to mean that adverse judgements have been made by me concerning that person. I regard it as undesirable to refer to the evidence of every witness or the contents of each exhibit. To do so would result in a loss of clarity. This report revolves on the central issues and the players in those events.

DEFINITION OF TERMS

As this report deals with the practices of an industry, it is necessary to refer to some terms which are not necessarily understood or used widely in the community. Therefore, I have set out some of the more commonly used terms to assist understanding of the report.

- 'Generator' is used to indicate a person who or business which creates liquid waste.
- 'Transporter' is used for the person who or business which collects the liquid waste from the generator to take it to a point of disposal or recycling.
- 'Grease trap' is used in relation to a tank or interceptor in the sewerage line which is designed in such a way as to allow liquid leaving a premise to stagnate for a while so that the oils and grease in the water have an opportunity to rise to the top. The piping into and out of the tank is arranged in such a way that this separated grease is trapped in the tank and the water continues into the sewerage system.
- 'Grease trap waste' refers to the material which is removed from these grease traps. It includes the grease at the top, the liquids in the trap, the substances which remain as sediments at the bottom of the trap and the

water which is sometimes sprayed into the trap to assist in cleaning down the sides of the trap when it is cleaned.

- 'Hazardous waste' is used to refer to chemically active materials, such as acids. These wastes can be readily neutralised or stabilised.
- 'Toxic waste' refers to material which, even in its diluted form, requires very special security treatment and disposal.
- BOD is an abbreviation of the term 'Biochemical Oxygen Demand' which is an established scientific standard used in the waste water management industry.
- 'NFR' indicates solids suspended in liquid and is also an established standard in the industry.

Grease trap waste is generated at major food preparation establishments such as canneries and meat processors and also at restaurants and take away food premises and such like.

Oily wastes are generated by small premises, such as garages and car washes.

It should also be made clear that the grease trap wastes go to the sewers and sewers lead to sewerage treatment works which treat the liquids they receive and ultimately discharge the treated liquids to the waterways or ocean. Sewers should be distinguished from rainwater drains, which receive rainwater and water flow off and lead directly to waterways.

Households connected to a sewerage system discharge their sewage to the sewerage system.

OTHER STUDIES ON LIQUID WASTE

Before the Commission decided to dedicate the substantial amount of resources it provided for this investigation, the assessment of the complaint included gathering information on previous studies touching on liquid waste disposal in the Brisbane or South-East Queensland area. These reports were tendered in the hearing.

In April 1978, Maunsell and Partners Pty Ltd reported to the Co-ordinator General's Department in a two volume report headed, *Report on Waste Disposal Study of Brisbane and near Brisbane area.*

That report included a statement as follows:

The survey was primarily aimed at ascertaining the quantities and types of wastes generated by industry in the region. By comparing these figures with data already available (up-dated at the time of the survey) on liquid wastes collected and dumped by contractors, it appears that 30% of the liquid waste produced goes to three existing liquid dumps. The remaining 70% must be disposed of on-site by industry or by other means. This is based on liquid wastes not including waste-water, which are assumed to discharge to drain or sewer. Likewise, 'oils' represent only those oily wastes which are dumped at present. There is an additional quantity, approximately 3000m³/year of oil which is returned to the refineries.

A report prepared by Sinclair Knight and Partners Pty Ltd for the Co-ordinator General's Department in August 1982 stated:

It is emphasised that not all tankered wastes need to be delivered to Willawong, as there are recycling operations and some waste exchanges operating within the Brisbane area. From the summary in Table 3, it is believed that the largest volume of unauthorised discharges are grease wastes and dilute oils. A high percentage of the alkalis and solvents may also be discharged without authorisation but the overall volumes are relatively low.

The sewerage system is believed to be the most common unauthorised discharge point for tankered industrial wastes which has been estimated to receive some 85 percent of these unauthorised discharges. Therefore, it is recommended that improved policing of tankered industrial waste water discharges to the sewerage system be conducted by introducing a transport docket system and by policing the destination of tankered liquid wastes.

Disposal to landfill and other land disposal appears to only constitute a relatively minor volume but such discharges could produce serious pollution problems. Accordingly it is recommended that the unauthorised dumping to landfill and surface land sites be located and the practices be stopped.

A study of Industrial Liquid Waste and Hazardous Toxic Waste in South-East Queensland by Crooks Michelle Peacock Stewart in April 1985 said:

A significant difference appears in the low volumes of glue and dye wastes found in the survey, compared with BCC records. The survey also found more acid/alkali/plating wastes claimed to be carried by transporters than BCC estimates indicate arrived at Willawong. This raised the possibility that the transporters, or at least the driver, either does not know what he is delivering; or is falsifying information for commercial confidentiality reasons; some transporters may be diverting wastes to other generators for reuse without the knowledge of the original generator; and other conclusions are possible. The aggregate quantity claimed to be sent off-site by generators compared to that actually disposed of at Willawong appears to differ largely in regard to the bio-degradable wastes, not in regard to the more 'difficult', sometimes hazardous wastes. The bio-degradables identified in the two questionnaire surveys total 20 500kL/y (categories 20 to 23),

whereas BCC estimates of deliveries to Willawong indicate that (prior to May 1983) only 5800kL/y arrived there.

Later it said:

Outside of Brisbane, in spite of the existence of a degree of concentration of waste-producing industries in several Local Authorities, there is no treatment or disposal facility for industrial liquid wastes and practically no capability to devise, supervise, or operate one. Local Authorities adjacent to Brisbane have been dependant on Brisbane's facilities; Local Authorities further away have done without.

Other reports were published during the investigations. In June 1993, the Department of Primary Industries issued a model Trade Waste Policy which stated in its preface:

Local Authorities have the power under the Standard Sewerage By-Laws of the Sewerage and Water Supply Act to control the discharge of trade waste to sewer. A Local Authority's policy on the discharge of trade waste to sewer is normally defined in a written Trade Waste Policy, which includes sewer admission limits, the method of charging and day to day requirements for administration. Currently 90% of Queensland Local Authorities do not have a well defined trade waste policy.

On 17 September 1993, the Industry Commission in its report, *Environmental Waste Management of Equipment, Systems and Services*, asked the question, 'How significant is the Environmental Waste Management Equipment, Systems and Services industry?', and said:

At the global level, it is a large industry. It is growing rapidly and strong growth in demand is anticipated for the remainder of the decade.

The practical ability to manage wastes comes, in part from the ability to generate a surplus from everyday economic activity. In other words, there is a very strong correlation between a country's level of income and its expenditure on waste management. This means that the rapidly developing countries - a number of which are close neighbours to Australia - must present opportunities for the Australian industry. In many of those countries, governments are only now starting to tackle the major environmental problems created by rapid population growth, industrialisation and urbanisation of recent years.

The world market is at least \$A280 billion per annum. Some assessments put it considerably higher. This implies that the international EWMESS industry is similar in size to the world plastics industry and the world aerospace industry, and approaching half that of the world chemicals industry.

At present the Australian market represents about 1 per cent of world demand, with the lowest estimate being about \$A2.8 billion per annum.

This report was devoted to Australian firms achieving success in the world market. However, it does reflect on the size of the industry within Australia.

It is clear that liquid waste transport and disposal is a sizeable industry. The discrepancies between the volumes generated and the volumes accounted for at disposal have been known to some for in excess of a decade as have been the potential problems which may flow from the improper disposal of the waste.

Apart from the draft Trade Waste Policy and the report of the Industry Commission, the previous reports were not made public.

TRANSPACIFIC INDUSTRIES PTY LTD

The evidence before me established that Mr T E Peabody (Peabody Sen) is a businessman with diverse interests who controlled a number of companies and businesses. Those which were related to this investigation were under the umbrella of Transpacific. The directors of that company being Peabody Sen, his son, T E Peabody Junior (Peabody Jun) and a Mr Smith of Canada. The company offices are in Toowong. In fact, Transpacific is owned by a Hong Kong registered company which has the same directors as Transpacific. Transpacific in turn, owns various business entities. Some appeared to be unregistered under the *Business Names Act*.

Australian Resource Recovery Pty Ltd (ARR) is a fully owned subsidiary of Transpacific. It receives and treats liquid waste and states it produced a useful by-product in the nature of stock feed or fertiliser and tallow. ARR operates from two plants, one situated at 10 Platinum Street, Marsden, (or Crestmead) and the other situated at 1004 Lytton Road, Murarrie. For the purposes of this report, the plants will be described as being situated at Marsden and Murarrie.

Zappaway Liquid Waste Removals is a registered business name owned by Transpacific and it operates from the ARR premises at Marsden. The name was on various of the trucks which operated from sites controlled by Transpacific. The Gold Coast arm of the business is conducted by separate subsidiaries called Zappaway Waste Removals (Gold Coast) and Gold Coast Liquid Waste Services and operates from premises at Coombabah.

Discount Grease Trap Pumping Services was another name which was used with some consistency and is a business owned by Transpacific. Other businesses were purchased by Transpacific and it was said that their names continued to be used for the purposes of customer good-will. Advertisements were continued in the Yellow

Pages under the variety of business names which had come under the Transpacific umbrella.

The company True Blue Oil Recycling Pty Ltd is a fully owned subsidiary. It receives and treats waste oil and sells the resulting product as a fuel. It operates from Narangba and maintains temporary waste oil storage tanks at ARR Marsden and Coombabah depot at the Gold Coast.

For ease of reference, the term Transpacific will be used throughout this report to cover the activities of any of its subsidiaries, unless there is a need to name the actual subsidiary.

TRANSPACIFIC EXECUTIVES

The evidence from witnesses called attention to the following executives of Transpacific.

I have already mentioned Peabody Sen, who spends a considerable time overseas each year. His son Peabody Jun was the Manager of the Waste Division of Transpacific. He was described by most witnesses as having a "hands-on" approach to that position. Mr B Higginson was the Plant Manager in charge of Marsden and then Murarrie when it was purchased. Mr G Sparks was the Technical Services Manager for Transpacific with a brief to look after environmental issues. Mr Ivan Brooker was the Transport Manager for Zappaway based at the Marsden Plant. Mr G Jones was the Manager of the Gold Coast companies.

MARSDEN PLANT LAYOUT

The Marsden plant is contained within a building. Liquid waste is received at loading bays which have two pits in the ground with grills over the top to remove larger items. Material is poured through the grills into the pits and then pumped to a machine which sifts out solid substances removing approximately at least two tonnes of material per day. The liquid is then pumped to the centre of the plant to a series of tanks. The liquid is then directed to particular tanks where it undergoes that particular process allocated to it and finally to a settling tank, before passing through a monitor tank and meter and into the sewerage system. At any particular time, a limited number of tanks may be used to process material and others are used for storage of grease or other material.

It was estimated that the total capacity of the plant's tanks was approximately 600,000 litres.

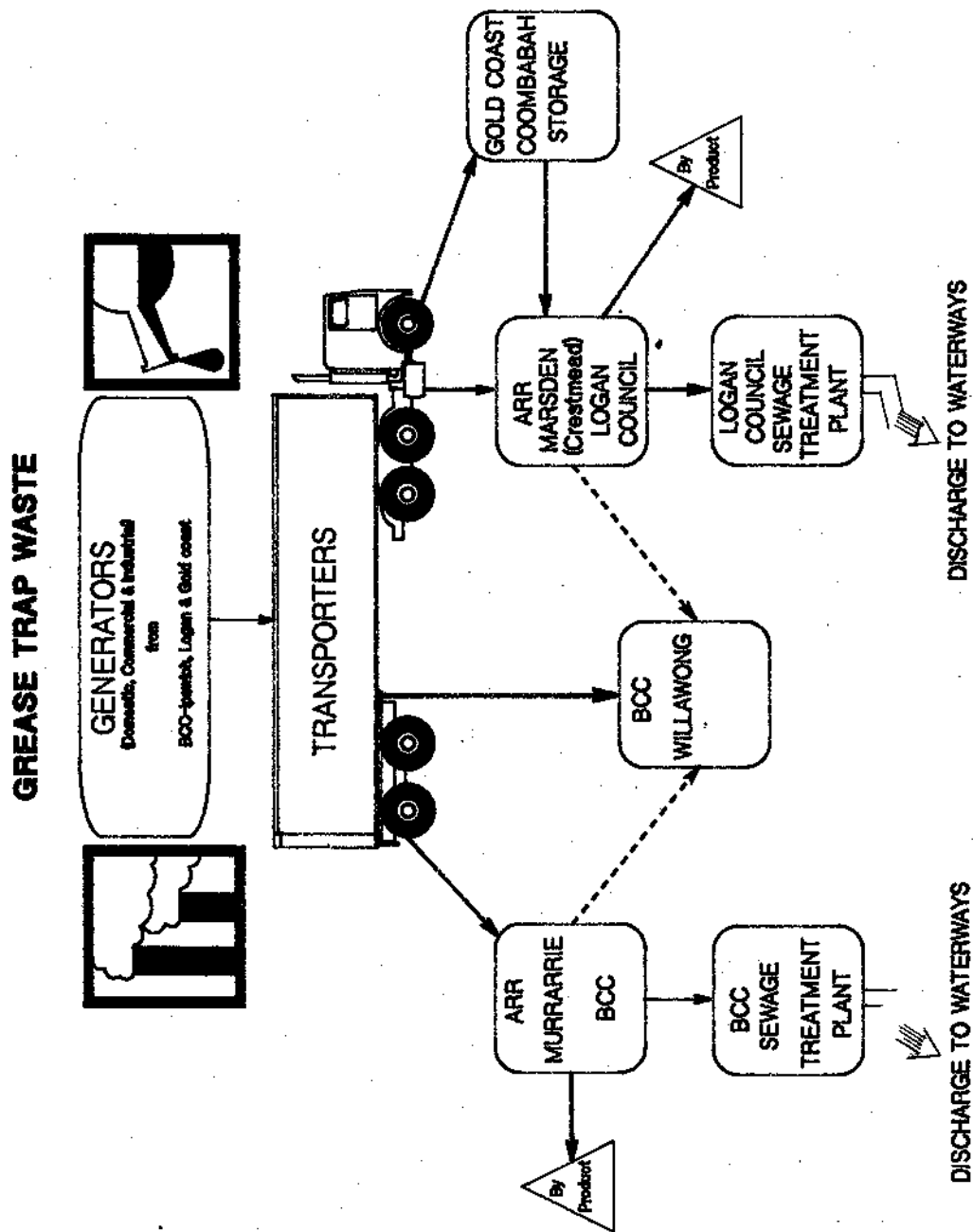
MURARRIE PLANT LAYOUT

This plant is set on the side of a hill and takes advantage of the hill by way of gravity feeding of tanks. Trucks arrive and are emptied by vacuum hose which takes the contents into a tank and the truck's tank is then hosed and resulting water is also taken by vacuum hose to the receiving tank. The material is then transferred through a revolving drum which removes the solids. It is transferred to a second tank and removed under vacuum to two cylindrical tanks used as cookers of about 10,000 to 15,000 litres capacity each.

The contents after being heated to about 90°C are left overnight. The raw tallow is removed from the cookers and transferred for storage and later heated and placed in 44 gallon drums. The water from the cookers flows to two large half-tanks at the lower level of the plant area. Each tank is about 400,000 litres capacity. The water settles in those tanks and is then transferred by pump to a tank of about 800,000 litres capacity where large volumes of air are pumped by compressor into the tank, for up to 10 days. The liquid is then tested and, on approval from the BCC, the contents of the tank are discharged to the sewerage system.

Figure 2 shows diagrammatically the paths that grease trap liquid takes from collection to final disposal.

FIGURE 2 - GREASE TRAP WASTE DISPOSAL PATHS





CHAPTER 2 - THE INVESTIGATION

THE COMPLAINT

There is a great deal of unpleasant and dangerous liquid waste produced by domestic and industrial premises which must be disposed of. In some cases, it is sent to the sewers and in other situations it is transported from the site of generation to a disposal site. It costs the community millions of dollars each year to do this and there is a number of businesses, both large and small engaged in such transport and disposal.

The largest of these businesses in the South-East Queensland area is Transpacific. This business has about three times the number of vehicles in use for liquid waste transport as its nearest competitor.

Transpacific received a good deal of attention throughout this investigation. This came about because Hutton brought to the Commission Mr Brian Fox, a former driver with Zappaway, one of Transpacific subsidiaries with allegations concerning his former employer. In his allegations which were in line with his testimony before me Fox said that the business collected a good deal of grease trap waste but disposed of it in a variety of ways which were not authorised. In particular, he said that drivers would dispose of grease trap waste on collection by removing it from a grease trap and flushing it straight into the sewers or, secondly, by taking it from one grease trap and disposing of it through another grease trap. He said that material returned to the treatment plants operated by Transpacific at Marsden and Murarrie was disposed of untreated to the sewer system or in an improperly treated state. This was disguised by a hidden pipe entering the sewerage system to bypass a meter in the Marsden depot and further, there was another meter along this hidden pipe so the company would know the true volumes which were said to be disposed of. Further, he said that other forms of waste, including hazardous waste, were disposed of in a variety of improper ways by the company and its drivers.

It was also said that the drivers had objected to this practice of dumping and a meeting was called which Peabody Jun told the drivers that if they did not continue the practice, they would have to find employment elsewhere.

He also said that these practices could only continue because of tip-offs provided by public officials of where inspections might be carried out on the sewers or where Transport Department officers would not weigh the trucks or inspect them for appropriate documentation. It was said that the practices of Transpacific were only reflections of industry-wide practices.

Individual amounts per litre charged for disposal of liquid waste were minuscule because of the huge volumes of liquid waste dealt with in this industry, but the potential profits by improper activity over time were in the order of millions of dollars.

ALLEGATIONS AGAINST TRANSPACIFIC

In combination with the complaint from Hutton, a variety of allegations against Transpacific and its staff emerged from the evidence I heard. Some allegations were inconsistent with others. The more notable allegations were:

- A number of persons were corrupted in government departments and Councils to provide information or protection from investigation for Transpacific.
- A sizeable quantity of grease trap waste was said to be illegally deposited to the sewerage system. It was said to be in the order of a million litres per month.
- Numerous sites about Brisbane were regularly used for illegal disposal of grease trap waste.
- Unauthorised disposal of various liquids occurred at Transpacific facilities.
- Various other methods were used by drivers to illegally dispose of liquid wastes.
- A hidden meter and a pipe existed at the Marsden plant to facilitate defrauding the Logan Council of appropriate fees. Further, the Marsden plant was said to have a defective meter to measure volumes discharged to sewer, as did the Murarrie plant.
- Dangerous liquids were carried by unlicensed drivers in trucks without proper signage and without appropriate documentation.
- There was a lack of basic workplace health and safety at Transpacific facilities.
- Samples supplied for analysis from the Marsden plant were said to be improperly diluted before testing.
- Overloaded trucks which attended at the BCC liquid waste plant at Willawong were allowed to pass without comment from officials.

- Hazardous waste was mixed with other liquid waste and then illegally discharged into sewerage lines.
- The plants were operated in such a way as to create a charade of efficiency when the plants were inspected by authorised visitors.
- A number of drivers approached management and protested about illegal dumping. During a meeting, the drivers were directed by Peabody (Jun) to continue to illegally dump or face dismissal.

THE JURISDICTION OF THE CRIMINAL JUSTICE COMMISSION

The Criminal Justice Act 1989 empowers the Commission to investigate allegations of corruption and official misconduct by public officials and others who could adversely affect the honest and impartial discharge of duties by public officials. It also includes the investigation of organised or major crime if that function cannot be effectively discharged by the Police Service or other agencies of the State.

The allegations as received by the Commission raised the possibility of organised or major criminal activity and a number of offences or disciplinary matters, including official misconduct:

1. A breach of section 427 of the *Criminal Code* – Obtaining money by a false pretence i.e. that liquid waste was to be disposed of in an authorised manner, the pretence being made to the generators or Councils who contracted the collection of liquid waste. [Maximum penalty five years imprisonment].
2. A breach of section 430 of the *Criminal Code* – Conspiracy to defraud the public, namely the generators or particular local authorities. [Maximum penalty seven years imprisonment].
3. A breach of section 87 of the *Criminal Code* – Corruption of public officials. [Maximum penalty seven years imprisonment and a fine].
4. A breach of section 359 of the *Criminal Code* – Threats – [Maximum penalty one year imprisonment and \$500.00 fine].
5. A breach of section 415 of the *Criminal Code* – Demanding the performance of services with threats – [Maximum penalty 14 years]. [If substantial economic loss was likely to be caused to a public authority, maximum life imprisonment].

6. A breach of section 230 of the *Criminal Code* 'Common Nuisance'. [Maximum penalty two years].
7.
 - Breaches of the *Refuse Management Regulations* - [Maximum penalty \$2,400]
 - Breaches of the *Standard Sewerage By-Laws* - [Maximum penalty \$2,400]
 - Breaches of the *Carriage of Dangerous Goods by Road Act* - [Maximum penalty \$10,000 for a person]
 - Breaches of the *Clean Waters Act* - [Maximum penalty \$10,000 for a first offence].
8. Official misconduct by public officials or other disciplinary offences.

EVIDENCE FROM DRIVERS

Evidence was received from fourteen current and former drivers of Transpacific Industries and a statement from one further driver was tendered. The length of employment in the industry for these drivers ranged between twenty years and two weeks. Each witness was examined in relation to work history, conditions, and knowledge of or involvement in illegal disposal of liquid waste. Additionally, former and current plant operators from the Marsden and Murarrie plants gave evidence.

It appears that the bulk of the liquid waste transported and disposed of by Transpacific was grease trap waste. Drivers indicated that their normal working day was between 4.45 a.m. and 2.00 p.m. The day started with the allocation of grease trap run sheets showing the clients to be serviced during that day. The drivers informed me that these runs were to be completed in the early morning to avoid clients and their customers being subjected to unpleasant odours associated with cleaning the grease traps.

The majority of drivers indicated that the Marsden plant received the bulk of this liquid waste. Some gave evidence that they had never delivered any waste to the plant at Murarrie.

The majority of drivers said that after the grease traps had been completed, they returned to the depot and, if required, performed industrial waste collection and transport or otherwise cleaned their vehicle or did tasks which might be allocated to them. The material collected by the drivers included industrial waste such as

acids and caustics, oil wastes, pesticides, chemicals, paints and dyes, bilge from ships and also septic waste from some businesses and private premises.

Rather than detail the evidence of each driver, I will set out the evidence of a few which represents the range of evidence I heard.

Mr R Beard gave evidence in this matter in November 1993 and he provided an insight into the industry as carried out on the Gold Coast. Beard said he started in the industry about four years previously. I directed him to answer incriminating questions as I did to most other drivers. He told me that he had been employed by a firm called Kennedy Walsh on the Gold Coast. He spoke of various methods of improper disposal of grease trap waste, including 'losing water', which involved returning water to the grease trap being cleaned or to the sewers, 'skimming', which involved removing only the fat at the top of the grease trap, and sometimes he had heard of transporters leaving a bill without actually cleaning the trap at all. On a number of occasions, he made efforts to avoid identifying persons he asserted had engaged in improper practices. I accepted Beard as a person attempting to tell the truth but who was nevertheless aware that his livelihood was in the industry about which he was giving evidence disclosing improper practices.

His account to me of his start in the industry echoed the accounts given by a number of other witnesses. The transcript reads:

How did you come to learn about the skimming of grease-traps?---I was shown how to do that the first day I started work.

By one of your fellow employees?---That's correct.

And did you do that yourself then, Mr Beard?---It was a company requirement, yes.

So you in fact fell into line and did it?---Well, that was how I was required to do it. If I didn't do it like that I wouldn't have had a job.

And the only purpose, as far as you know, for doing it, was to pay the Council less money for the waste that was being disposed of?---That's correct.

While at the same time getting the same reward from the generators of the waste, who were paying for it to be disposed of?---That's correct.

He told me that Transpacific purchased Kennedy Walsh about two years ago. Beard had commenced employment with Transpacific some five weeks before this take over. In that period, he had worked in Brisbane from the Marsden plant and underwent a more rigorous training program when he was instructed to follow appropriate cleaning and dumping procedures. This professed rectitude seemed to be at odds with the reality of his employment at the Gold Coast office of

Transpacific. Jones, the Transpacific Manager at the Gold Coast, instructed Beard to lose water on occasions. The drivers there became so concerned that they called a meeting with Jones. Beard gave the following account of it:

All right. Now, I mean this was at the drivers' initiative. You went along to see him, did you? You asked for an appointment to see him?---That's correct.

Because you were going to complain about the fact that you did not want to illegally dump waste any longer?---It wasn't a complaint. It was just a statement of fact.

Statement of fact?---We just got together and said we're not going to do it any more.

Okay. Now, the reason was, I take it, that you thought that he had some expectation that you would continue to do it and that is why you wanted to tell him you were not going to do it?---It was getting to be company policy and it got to the stage that we realised if anyone got caught the company would disown us and we would have to wear it by ourselves, and if that was the case we wouldn't do it.

This sensitivity to the risk of detection arose from the discovery by Council staff who happened to be downstream of one driver when he released a quantity of liquid in a sewer and an investigation followed. When asked about the chance of detection, Beard said:

It would not have crossed your mind that would even have happened?---No, well if you were caught running water back, all you had to do was reverse the valve and you were sucking water up and not putting it down. You think about these things, keep your eyes open - no.

When he gave evidence before me, Jones denied that such a meeting took place and in his tendered statement categorically denied that he ever instructed Beard to improperly dispose of material. However at one stage in evidence he said that it could have been said.

Beard said that his working days now started at 5.30 a.m. with the transporting of grease trap waste in his 15,000 litre truck. The truck had no gauges or dip-stick to measure its contents and he could only check the volume by a visual check or a rough tally from his collection and an estimation of added water from washing out the grease traps. However, he also received transfers of grease trap waste from smaller trucks in the area. No documents were kept for these transfers. In short, there was a very inexact method of totalling the contents of any particular truck at any particular time.

Beard indicated that access to commercial areas was prohibited after 8.30 a.m. Therefore, there was a limited time to do collections and further, because the Transpacific plant was located at Coombabah at the northern end of the Gold Coast, it sometimes happened where there was only one further grease trap to empty at the other end of the Gold Coast and no space in the truck. On occasions like that he would lose some water as he had been instructed to do by Jones to save a long return journey. The advantage to both the driver and the company was saving time. Jones at one point in his evidence, maintained that the issue of dumping was never addressed expressly one way or another either by direction to dump or not to dump.

Beard indicated that he was given a list which indicated grease traps to be cleaned and the list would usually contain more jobs than could be completed in one day. In such circumstances he would choose which jobs he could do and carry the remainder to the next day. He estimated that there were 2,500 to 3,000 customers of Zappaway on the Gold Coast and that the grease traps cleaned ranged in size from 180 to 3,000 litres.

Zappaway had a transfer station within the Gold Coast Council complex at Coombabah which was also largely a Council sewerage treatment plant. The Zappaway drivers delivered their grease trap waste into ponds and then it was pumped into tanks and finally tankers would arrive from Brisbane to take the liquid to the Brisbane plants. Beard had no understanding of what happened to the material at the Brisbane plant at Marsden. He said that on two to three occasions, the plants at Coombabah were full and drivers would wait until there was a transfer to Brisbane before collecting more grease trap waste. He estimated that there were between 200,000 to 250,000 litres of liquid transferred from Coombabah to Marsden each week. Jones estimated that 800,000 litres was transferred to Marsden each month.

Oil and Other Liquids

Beard said that originally oil and oily waters which were collected from places such as garages, car washes etc were taken to the Council area at Coombabah and spread on roads to settle dust. Because Willawong, the BCC liquid waste plant, was not available for disposal of Gold Coast liquids including oil and the more hazardous liquids, the practice was to mix other liquids in with the oily waters and spread the resulting cocktail on the roads in the Council compound. He said that materials mixed in would include acids, caustics, paint thinners, paint, dye. He said that this was the situation in the Kennedy Walsh days and 'there weren't any rules in those days'. He also indicated that sometimes these materials had been used to settle dust in quarries.

Further, he told me that whilst there were requirements for signing of trucks carrying dangerous goods, that Zappaway had no signs at the Gold Coast. He had spoken to Jones about obtaining signs and nothing had happened since that time, some six to nine months ago. Beard indicated that it was not often that materials of that nature had to be transported but it had been becoming more frequent in the recent past. He stated that he had never been checked by anybody on the road and he had never seen a Council inspector at any stage.

He believed there were at least four other significant liquid waste transporters on the coast and perhaps some smaller operators.

DRIVERS BASED AT MARSDEN OR MURARRIE

Fox had his introduction to the business of liquid waste disposal when he accepted employment with Zappaway in March 1990. During his first period of one or two weeks employment as a driver with that company, he received from a more senior driver, Julian Stapleton, instructions which embraced, apart from other matters more easily comprehended as part of the instruction process, the ways in which waste could be and was disposed of by the improper use of dumping into grease traps or sewer manholes.

Fox admitted that he himself had adopted the practice and had continued to do it until his employment terminated in September 1992. He asserted also that other drivers and plant operators employed by Transpacific subsidiaries had told him that the practice had continued up to the time he was giving evidence - November 1993. There is ample corroboration of what he says of his own involvement in improper dumping and of how he came to engage in it and I have no reservations about accepting what he says in that respect. Other evidence strongly suggests that once this investigation moved to the searching of Transpacific premises and seizure of documents the practice ceased almost entirely.

Fox also gave support to the notion that improper dumping was not only encouraged by the employer, but to a degree, insisted upon. He said that in the first part of 1990, and soon after he commenced employment with Zappaway, he attended a meeting which was held at the Marsden plant in the office of Peabody (Jun), a meeting which had been organised by a driver called Saunders on behalf of other drivers who were protesting against illegal dumping. He said that nine or ten drivers, apart from himself, had attended the meeting and that management had been represented by Peabody (Jun), Mr Ivan Brooker, the Transport Manager and perhaps one other person. He agreed with other evidence that Peabody (Jun) had at the meeting, in effect said that if a driver did not continue to illegally dump, his job would be safe only until he was able to find another. There was conflicting evidence as to what may have happened at such a meeting. Drivers differed as to

attendance and as to what was said at it. Peabody (Jun) and Brooker gave evidence that drivers were not only instructed not to dump, but that at some stage, a notice to that effect had been posted for the attention of drivers.

I have elsewhere discussed the relevant conflicts and denials which appear from the evidence, but it does seem that improper dumping at that time had become of such proportions as to cause drivers to be disturbed about it and the possibility of its continuance. At the time of that meeting, according to Fox's rough estimate, drivers employed by Zappaway during each working day were illegally dumping a total of 20,000 to 100,000 litres of waste. He was of the view, founded he said on conversations he had had with drivers employed by other companies engaged in waste disposal, that with one exception, drivers employed this means of lessening the loads which they were required to carry and that the practices adopted were similar to those which he and other Zappaway drivers used.

Waste disposal was obviously a competitive business and Cleanaway, the one exception in Fox's opinion, and his employer since June 1993, must have found it difficult to compete with other companies enjoying the benefits of improper dumping. There was other evidence which did not give Cleanaway such a clean bill of health as was claimed for it by Fox.

This witness also confirmed evidence of other drivers that the Zappaway tankers were used to transport septic waste and sewerage (documented as 'special') to the ARR plant at Marsden where it was dumped into the pits provided for the reception of grease trap waste. This was in breach of the permit which the company had from the Logan Council to conduct the plant, but Fox asserted that on occasions he disposed of his septic or sewerage waste in the same way as he dealt with grease trap waste which was regarded as in excess of the load to be taken in the tanker or requirement of the plant. His evidence in this particular respect was not supported by any other driver.

Apart from disposal of waste by improper dumping into grease traps or sewer manholes, Fox also gave evidence that at times when the plant was overloaded or broken down, incoming wastes, without treatment or without sufficient treatment, would be delivered to the sewer lines. There is a deal of evidence to support a conclusion that the Marsden plant would, at times, not be able to cope with the volume of waste entering it or the build up of grease within it, although Fox did say that after the Murarrie plant was acquired in 1992, lack of capacity became a less significant factor.

Fox's general allegations of dumping were, as I said, supported and corroborated by other witnesses, but there was a number of allegations of more isolated improper disposal made by Fox and in respect of which it is more difficult to make any positive findings. I will give some examples of such allegations:

- (a) A plant operator at Murarrie, named Keys was quoted by Fox as the source of some of the wrongdoing which he mentioned. He said that Keys had told him that another driver Pecic had washed out his truck which had been carrying acid waste in such a way as to cause the wash water merely to run into a drain. Keys, although saying that he had heard this story about Pecic and had had it mentioned to him by Fox, denied knowing anything about the incident. Pecic, who gave evidence at the investigation was not asked about it. Fox also said that Keys had told him that he had been instructed at Murarrie not to mow a particular area of ground which was used for concealing the dumping of waste; this evidence was also denied by Keys.
- (b) Fox alleged that he had been told by a plant operator at Marsden whom he called Bernie (obviously a reference to Mr B Bowerman) that at the plant, although a meter had been installed at the plant to measure the volume of treated waste before that waste entered the Logan Council sewerage system, that meter was inaccurate and, indeed, other evidence suggested that the particular meter was inaccurate. Fox said that he had also been told by Bowerman that ARR had installed another hidden meter which was available only for its own measuring purposes. He said that his hearsay evidence in this respect was substantiated by the fact that he had seen the hole where the second meter had been kept. Bowerman gave evidence at a time before Fox gave his evidence and although he mentioned a by-pass line through which he said waste was passed before entering the Council's sewerage system, he did not mention that there had been any second meter installed.
- (c) Fox particularly mentioned another driver, Stewart Horne who he said had been able to allow waste to pass through a valve which he had installed to his tanker and be deposited on the road as he moved along it. Fox said that Horne had done this three times that he, Fox, knew of; and that Brooker also knew of it because he, Horne and Brooker had discussed the particular means whereby Horne disposed of the waste. Fox said that Brooker had, after a time, told Horne to stop the practice. Both Brooker and Horne denied that deposits of waste had ever been made in this way.
- (d) Fox made an allegation about improper disposal of paint and silt from schools in the Gold Coast area. He, as I understood the allegations, suggested that volumes of paint and silt which were toxic were mixed with grease trap waste and taken to the ARR plant but should have been disposed of at Willawong. What quantity of paint and silt came from the grease trap at the relevant schools one could not say, but the quantity by comparison with the general grease trap waste would have been, I think, not consequential and certainly not able to be measured. Whether there was toxic waste could also be doubted.

More seriously, Fox suggested that corruption existed in the industry in various forms. He said that he had been told by Brooker that if he was carrying a load consisting of 'special' which should not have been in his tanker and he was questioned about it, there was an employee of Hunter Bros who would protect him because this employee would say on his behalf that Zappaway was merely carrying the load for Hunter Bros.

Again it was said by Fox that some sort of pay-off by Transpacific or its subsidiaries was made to employees of the Logan City Council and the Brisbane City Council and there was more than a hint of the making of deals with employees of the Shell company and Ampol. His evidence in these respects was denied, in part, but was overall quite unsubstantiated and dependent on vague hearsay. It fell far below what would be required to give one the necessary satisfaction to make a finding in accord with any of the allegations.

It will be seen from what I have said that there were aspects of Fox's evidence which I would not act upon or which indeed I would not accept and in one respect, I think he gave evidence which was not true and this was in relation to the circumstances of his dismissal. I say this because contrary to the way in which Fox described the proceedings which relevantly occurred, a witness, Fortescue, gave his own version and he, I thought, was a credible witness.

When Fox was called to give evidence, I was quite willing in his interests, as I thought, to protect his identity by forbidding publication of his name, but in answer to queries relative to this, he said that he did not want his name suppressed 'for safety reasons' and again because he was 'not afraid of anyone'. In the light of this, I was surprised when through the medium of an article in *The Sunday Mail* of 7 November 1993, he and his solicitor complained of the treatment he had received from the Criminal Justice Commission in respect of his vulnerability as a whistleblower. There must always be difficulties for an investigative body in its approach and its dealing with one who offers himself as an informant, but in the instant case, the subsequent affidavit of one of the Criminal Justice Commission investigators and the attachments to it which became exhibit 371 in the investigation explain in detail what relevantly occurred when the Criminal Justice Commission had dealings with Fox and what was said by Fox to officers of the Commission at the time. They go a long way towards disposing of the suggestion that Fox had been dealt with 'shabbily'. I do not propose to discuss the matter further because it seems to me that there are aspects of it which should remain confidential.

Despite my criticism of some of Fox's evidence and my unwillingness to act upon or accept all of his assertions, I think that the community is indebted to him because it was he who brought to the attention of the Commission and so of the public, the improper practices which had become rife in the liquid waste industry and which were the subject of the bulk of the evidence in the present investigation.

Fox said that four of the drivers employed by Zappaway were favoured by the company in return for carrying out much of the illegal dumping. This favouritism was carried through to the greater payments of overtime to four of this inner circle. He identified the four as Julian Stapleton, Stephen Horne, Peter Pecic and Garry Johnson.

All four were summonsed and gave evidence. They had extensive experience in the industry, having been involved in it for up to twenty years each. All of them had worked closely with Brooker, the Transport Manager of Zappaway, for many years. He had been their Foreman for a considerable period. Before that, Brooker had, in fact, trained Horne when he first joined the industry.

There was some variation in the accounts that they gave of the industry and practices of Zappaway. Initially, Johnson denied ever hearing of the practice of dumping under its various names, however, after some time he made the following concession:

Okay. That is what I am talking about. Now, that is not hearsay or rumours, because it is the man himself telling you that he has done it; do you follow what I mean?---Yes.

That is different from the man telling you that a man down the street had done it. That is what I am interested in. I am interested in the people who admitted to you that they had done it, you see. Would it be fair to say that every Zappaway driver at some stage or other, certainly in the first five or six years you were there, admitted that he did this regularly?---It's possible, yes.

That is true, is not it?---Yes.

It was a practice that was regularly followed by all the drivers at Zappaway insofar as they told you?---Yes.

I do not mean that you went out and kept an eye on them to see whether they were telling you the truth, but from what they told you, it was a practice that all the drivers at Zappaway regularly followed - certainly in the first five or six years that you were working for that company; is that right?---Yes.

Yes. Okay. Now, to be fair and frank, you followed the practice too, did not you?---To a degree, yes.

The three other drivers conceded that the practice of dumping existed throughout the industry and placed periods between two to four years prior to this hearing on its demise.

Horne, when confronted with the results of data analysis conducted by the Commission, acknowledged that he had mixed loads of other material with grease trap waste and emptied the material at Marsden in July, September and October 1992. (The period of analysis by the Commission.)

I was left with the impression that each of the four was firmly committed at least initially, to giving evidence which minimised both their part in improper practices in the past and also diminishing the responsibility and knowledge of senior officers of their employer as knowing participants in those practices. I believe they conceded as much as they had to. They were required to give evidence after many other employees had spoken of the practices and also knowing that the results of the Commission analysis of company documents had been tendered. They were not prepared to deny things of which the Commission already had evidence but on the other hand they were not prepared to concede anything that went further than this.

MEETING WITH THREATS TO EMPLOYMENT

Fox's account of the meeting at Marsden was echoed by the evidence of one other driver, Mr Sawyer. However, he placed it as occurring within six or twelve months of the Marsden plant starting, over a year before Fox's account had it occur.

Johnson provided a guarded confirmation of the event spoken of by Fox. The others in the inner circle either could not recall or specifically denied that such a meeting took place.

Johnson replied to the following questions by Counsel Assisting:

I was just wondering what caused the drivers to raise this at a meeting. Was there something that happened which put the wind up them a bit?---I don't know.

I - - -

You do not know?---Because I never used to go to the meetings much. No use me going there, I'd fall asleep every time.

All right. But, anyway, you remember a meeting?---I remember a meeting, yes.

Drivers being present, and this topic was raised?---Mm.

And the thrust of it was - what they were really saying, whoever raised it, was that they did not want to do it. The drivers did not want to do it?---Well, as far as what I heard, that's right.

Yes, but you were at the meeting?---Yes.

Well, before you went to sleep did you hear that, that they were saying in effect, 'We don't want to do this'?---They were talking about other stuff and everything, you know?

Yes. Was any of the management people at the meeting?---Oh, it was run by Mr Peabody.

Peabody Jun and Brooker specifically denied the threat was made. Peabody Jun's attention was drawn to his own briefing notes for a management meeting of 28 March 1992 which concluded with the statement:

If you can't work this system, leave.

It should be noted that this management meeting was not with the drivers.

In his statement he had addressed this comment and said:

This point was merely made by me in order to indicate that I was anxious for the new system to work and I wanted the total commitment of all the key participants. Apart from what was basically a tongue-in-cheek remark no-one was actually threatened with their job in order to ensure their attendance to participation in the process.

No other witness gave direct evidence of the threat although a number claimed defective memories in relation to this meeting.

CHAPTER 3 - EXAMINATION OF THE PLANTS' OPERATIONS

THE OPERATION OF THE MARSDEN PLANT

The Marsden plant is located in the Logan City Council area. It appeared that this plant was ARR's first venture into liquid waste disposal. ARR came into the business after the plant was planned and construction started, but before it was commissioned and commenced to receive liquid waste. The project appeared to be in concert with Genesearch Pty Ltd which was examining converting waste to high protein fertiliser or stock food through a micro biological process.

The two longer serving plant operators, Mr B Bowerman and Mr M O'Connor, started employment around the time the plant commenced. Bowerman in October 1988 and O'Connor in January 1989. Bowerman was qualified as a fitter and turner and a senior watch engineer in the Merchant Navy. He spoke precisely of matters within his knowledge. O'Connor had no formal qualifications, but had been a plant operator at another unrelated business. He appeared to be a plain speaking man. The other two plant operators called were Sean Russell and Anthony Hartley. I formed the view that the plant operators were credible witnesses. It may be said that all appeared to have an imperfect understanding of the processes used and the reasons for their tasks and duties which may reflect more upon the training they received than upon themselves.

Russell had been employed at the Marsden plant early in its operation, he thought from June 1988 until May 1989. Hartley was an employee of the former owner of the Murarrie plant and had remained employed at that site following the take over by ARR in April 1992. He had worked at Murarrie from October 1986 until injured in November 1992 and due to his delay in returning to work, the company was not able to hold his position for him. Hartley could not provide any information on the Marsden plant.

The plant operator at both plants entered in a diary or logbook the volumes of liquid received at the plants and commented on problems in the plant. These were tendered.

From the evidence of Bowerman and O'Connor, it appeared that the Marsden plant initially operated with two systems. One was the new technology which was under development by the consultants, Genesearch to recycle the grease trap waste to a by-product and the other was to deal with the bulk of the material being brought to the plant by the transporters. This bulk of material was treated by way of settling and aeration and sometimes chemicals were added to assist its clarification before release to the sewer.

The first system being used by Genesearch was subject to regular modification and was controlled by a consultant, Dr J Reichelt. The second system was apparently the result of Higginson's design and was subject to control by Higginson. Initially, the plant operated on a 24 hour basis, with plant operators working shifts. The loads of waste received at the plant were tested to ensure that nothing deleterious entered the process to upset the bacteria which were used in the first system. However, after the first year this testing was abandoned. Bowerman said he never saw signs within the piping of corrosion from hazardous substances when carrying out maintenance.

In about May 1990, Bowerman was instructed to effect repairs on the machinery within the plant. He removed all the pumps from their foundations and placed them on the concrete apron within the plant building, repaired, painted and then replaced them. This took him five to seven weeks. The other plant operators were put off by the company and were under the impression that the plant was closing down. They were re-engaged over time, but O'Connor was not re-employed for some eight or nine months.

At that time, the Murarrie plant was owned by a competitor and was not used by Transpacific to treat its waste. The staff at the plant were Bowerman, Higginson and another person, Gooch. Higginson and Gooch were not plant operators but it appeared they would carry out some plant operator tasks on occasions.

When Bowerman was asked about the operation of the plant during this period of maintenance, he said:

Because I had all the machinery in that area and working on it, the plant did not operate in the manner that it had operated before with the machinery. The machinery was needed to effect the processing of the grease trap waste liquid and so, to that extent, I had all the machinery away from its mountings, I'm working on it. The plant was not operating in its normal fashion with the assistance of these machines.

Evidence from the drivers who were employed by Transpacific at that stage, does not disclose that they were aware that the plant was closed down or that they varied from their usual procedures of returning with their collected liquids to the plant. The exceptions were those who spoke of the meeting and the threat to employment who implied the company's need to continue dumping arose from the plant's inability to cope with material received. Fox said this meeting occurred in early 1990. Bowerman was not aware of where the grease trap waste went at that stage and because the other plant operators were not employed, they were unable to provide the information. A desire to avoid paying Council dump fees would provide a motive to have drivers dump material rather than take it to Council plants while Marsden plant was inoperative.

The evidence did not make clear what happened during the period of the maintenance to the liquid waste which ordinarily would have been either delivered to the Marsden plant for processing or otherwise disposed of.

The machinery in place at the plant was not equipped with a mechanism to automatically prevent large concentrations of solids in suspension from being released to the sewer. The decision concerning the quality of the effluent discharged was for the plant operators alone. As has been said they were given no training or information of the appropriate licence conditions and standards for release to the sewer and had no previous experience in the field.

It seemed that over time, the area of the plant dedicated to the Genesearch system was decreased and the area used for reception and settling of grease trap waste, as supervised by the plant operators, increased steadily. Likewise, through the aggressive purchasing of other businesses, the total volume of the grease trap waste collected by Transpacific steadily increased.

The plant initially operated on a 24 hour basis, however, with the lack of success in the Genesearch process, it was reduced to one eight hour shift. O'Connor stated that, of that eight hour shift, he would spend two hours receiving loads of grease trap waste and effectively was left with six hours to process the material. The process used by O'Connor was designed by Higginson; it passed liquid through a series of tanks and finally through a monitor tank which was a small open tank in which the quality of the effluent could be viewed or monitored before being released to the sewer.

This process meant that there was a build up of grease and other materials in the tanks which decreased the volume available for receipt and treatment of incoming liquids.

In 1992, the efforts of Genesearch were abandoned completely and systems designed or modified by Higginson came into use. However, it appears that once again, two systems operated within the plant. One was the system designed by Higginson which apparently could not cope with the volume of incoming material and the other being the system of settling improvised by the plant operators. O'Connor described this.

How would you shortly describe the system used at the Marsden plant now?---
The system now is set up by Brian Higginson, and I believe it was built for 50,000 litres to go through in a day.

Yes?---But because of only one shift on this is not possible and then because I'm two hours out in the truck bay as well, it is not possible to handle that full amount so it is basically split in two at the moment and we run what we can through the

system in the time available and the rest is put into five tanks and settled for whatever time we can give it and then discharged into the sewerage drain.

Well, are you saying that only part of it is treated and the other part is not treated?---Basically.

So you are getting in, how much a day? 60,000, is it? 60,000 litres still?---We get in?

Yes?---No - - -

It was designed to take 50,000 litres a day?---Well, that is what I was told by Mr Higginson.

Right. It did take 60,000 in the Genesearch days because of the extra things they are doing?---That was an entirely different system. They involved all the tanks.

I see?---Since the Genesearch have left, this involves five major tanks which leaves me five major tanks to play with whatever excess comes in.

Well, now, what is the intake per day now, 50 or 60,000 litres, or what?---100,000.

100,000 litres comes in, into the 50,000 litre plant as you understand it and you are saying half of that gets treated in the appropriate way, the way that the - - - ?---Well, half of it can't be treated in the normal way because we are only one shift available.

Yes?---In that time I find that probably because of the two hours I do in the truck bay I can only process 20,000 through - 20 to 30,000 maximum through that system set out by Mr Higginson.

Right. So 20 to 30,000 litres per day is treated according to the method - - - ?
---That plan set out.

- - - the company advertises as its method of treatment. Would that be a fair way to put it?---Yes.

When I say it advertises it, I do not know whether it puts billboards out, but if I went to inspect it as a visitor or something like that, or as a customer, what I would be shown as the treatment is given only to 20 or 30,000 litres per day?---
At this stage.

At the present time, all right. And what happens to the rest?---We have these other tanks and we start from the back one and we fill that, then we start the next one and fill that, and start the next one and fill that, and then the next one then by the time we are ready to start the last one, we have to ditch the first one.

So what you have done, in effect, is you have stored in the storage tanks this liquid and I suppose that as it cools the fat goes to the top, sort of thing, does it?
---Yes.

And what you do then is you, in sequence, you just put them down the drain?---
That's correct.

What happens to the fat in them?---It stays in the tank.

So the water drains out the bottom of the tank and - - - ?---We visibly watch it, and as it turns we turn it off, so - - -

As it turns, as you are starting to get more fat, you turn the tank off?---Yes. It will just turn grey and then it will slowly turn darker and then it will slowly start picking up small amounts of grease and if you kept it going it would eventually pick up a thicker amount, but just through our experience there as it starts to turn, going from the clear to milky, is when we shut the valves off and we have to leave that tank then.

So you shut the valves, you will not let any more of that go down the sewer line?---No.

Why not?---Because I consider it unfit, so - - -

What, is it too thick you mean, or what?---Yes.

Yes, okay?---Yes, it starts to get what we accumulated in the tank.

Right. So you turn that one off and then you have got another tank so you can do the same with it?---Yes.

Later he was asked about the shortest time that liquid was released after reception and said:

Well, are there occasions for example when you can say that it has been released from a point in the system for arguments sake, where it has not gone through much of it at all, let us say you said one of the best pieces of machinery was the contra shear. Does it ever get released say, having only been treated by the contra shear?---Not exactly, not directly.

No?---There will be some settling. For instance, say if our tanks are getting to the stage where they may have 20,000 litres of solid grease in them, and you can't take them right to the top so you will overflow them, so that might cut your distance down again and suddenly your 200,000 litres has come down to 80 to 90,000 litres left and you get an exceptional day where maybe 80 or 90,000 came in within three hours well, your first tanks are going down the drain fairly quickly.

In an hour or less?—Probably, an hour would be about the minimum time some of them have had.

Well, that would suggest there was not much treatment at all?—I've got no alternative.

Yes. Well, I am not saying - no, I am only after the facts, I am not sort of apportioning blame or anything at the moment. But it would suggest that it was hardly treated at all in those circumstances?—It could look like that.

O'Connor also pointed out that the contents of the tanks would not settle until the tank had finished being filled because of the disturbance caused by the in-flowing liquid.

PLANT PRESENTATION

The evidence raised for consideration whether the Marsden plant's purpose, methods and effectiveness had not been falsely represented to the authorities, customers and others. In particular, attention was drawn to allegations of the cleaning of the monitor tank so it misrepresented the clarity of the material being discharged to sewer, the existence of a concealed pipe which by-passed the monitor tank and meter so that liquid waste of questionable content could be discharged to sewer in a concealed manner without registering on the meter and that the entire plant was sometimes presented to visitors in a way which was quite false. I must deal with these matters in some detail.

As previously indicated, whilst the liquid waste passes through a number of tanks, ultimately the design of the plant as specified by the Logan Council was that any liquid discharged to sewer should pass through a small monitor tank prior to discharge. This monitor tank was located near a transportable office and from this monitor tank, samples were taken to be sent for analysis at Symmonds and Bristow. On the basis of the analysis of those samples, information was given to the Logan City Council to calculate the fees due to it.

A number of witnesses were asked about this sampling. O'Connor's account was as follows.

Now, from your experience, are those samples genuine, the ones that are taken from the monitor tank?—Of recent, not 100 per cent.

Well why, What is done to - - -?—Well, the monitor - - -

- - - sort of titivate the results up a bit?—The monitor tank is the showpiece of a factory. It's a releasing point; and it has been the - the - can't think of the actual word - but it's been the accepted thing that that tank has to be kept 100 per

cent clean at all times and I'll come in in the morning and have a play around with it and Brian Higginson will come in and have a play around with it and sometimes my co-worker will have a - come in and have a play around with it by - well - and the manner of adding water so that that tank will always look like its 100 per cent clean.

This exchange occurred a short time later:

THE JUDGE: How do you add the water? As Mr Hampson described, or do you put a hose in it?---Just put a hose in, your Honour.

MR HAMPSON: All right. And have you had instructions to do that?---Yes.

From whom did you get instructions to do that?---Brian Higginson.

All right. And what about Mr Angell? Does he do that too?---Yes.

Probably a pretty good job is done, if all three of you do it one morning?---It could look that way.

Pardon?---It could look that way.

He then went on to say that there was no practice of only taking samples after the water was clarified in the tank, but it averaged at about half the samples being taken after this had occurred. It should be said that Higginson indicated that the regular cleaning of the tank was merely to ensure that the samples taken were a true reflection of the state of the liquid passing through the monitor tank rather than containing a build up of contaminants within the tank.

There was also evidence that a pipe had been added to the system at some point by Bowerman. It was a four inch diameter pipe which effectively passed under the demountable office and was out of sight and allowed liquid to be discharged directly to the sewer without passing through the monitor tank or the meter which recorded volumes for the purpose of fees due to the Council.

One question was whether the pipe had been deliberately concealed. Russell said it was concealed as a result of the demountable office being placed on top of it. However, when asked whether he had used that pipe, he was concerned enough to claim a privilege from answering on the grounds of self-incrimination and it was only after I directed him to answer such questions, that he indicated he had used it twice. O'Connor also appeared to regard the pipe as a concealed pipe and indicated that it was removed in July or August 1992 which was about the time that Genesearch completely finished their connection with the plant. Reichelt of Genesearch was asked of this pipe and had no knowledge of it.

Higginson acknowledged the existence of the pipe and ascribed to it a use for draining tanks with unacceptably discoloured liquid in them. It was introduced for cosmetic reasons. He said that there was no harm in by-passing the meter because the meter did not work and the figures supplied to the Council for their volumes, upon which fees were charged, were the result of manual addition of records kept by the company. This explanation ignores the fact that the fees to the Council also increased if the standards imposed for the quality of the discharge were exceeded.

O'Connor agreed that the meter had never worked, that he kept a running tally of receptions at the plant in the log book and it was from this tally that the figures ultimately were taken for the Council. He indicated that, on occasions, he or others would press the controls on the meter to advance it to correspond as best they could with the amounts they thought had been received in the factory.

O'Connor told me of the procedures followed for prospective customers and others who inspected the plant.

The plant was cleaned so it would present well, but a number of other devices were used to assist in generating a positive image of the plant to prospective customers including the Army and also some media. All these examples came from O'Connor only after he confirmed that he had been directed to answer questions and, therefore, such answers could not be used against him for the purposes of criminal prosecutions. Some of the examples detailed by O'Connor in evidence are:

Mr HAMPSON: Tell us some of the things that you have done, or you have seen other people do, to - - -?---There has been occasions, particularly when the Gold Coast newspaper came, that we had to recall some fertiliser from off somebody's - one of Genesearch's farms, so we had something to show them and I
- - -

Because they were being told that it was a by-product, a sort of a - - -?---Yes, and I had to spend about two hours picking all the gum leaves out of it because he unfortunately had it under a gum tree.

Yes?--And - - -

So when the people from the Gold Coast came, you were able to say, 'Well, look, there's our by-product', the fertiliser?---That's correct.

Yes, okay. And they were - you were there; they were given to understand that that was a viable by-product?---That's correct.

That what you mean?---That's correct.

Yes, okay. That is one thing, yes?---There was occasions when I was asked by Mr Higginson to fill tanks with water with only a small amount of grease trap waste in it so that when it ran over the hydro sieve it would look nice and clean and when it ran into the monitor box it would look nice and clean.

Yes, I see. And of course, the monitor box was always being - - -?---Cleaned as well anyway.

- - - cleaned as in the way you described yesterday?---Mm.

But this was a case of the waste tanks being - - -?---Yes, fill the waste tanks with water.

Right. So by doing that the first half of the tank coming over the hydro sieve would look clear?---That's correct.

And of course, if that was not done, I mean it would look dirty, it would look greasy, would not it?---If it was running for a certain time or it was in a situation where it contained too much grease.

Yes. Any other things you would do?---There was one occasion we put a hose directly into the back of the hydro sieve so it looked like liquid was coming over the hydro sieve but in fact it was the water from the hose.

Yes, yes, I see. Well, that would look pretty clear, eh?---Well, it would be tap water.

Yes, that is right. Anything done about turning the air up on the tanks?---Yes, we would tend to make it sound a bit more.

What was the point of making the sound greater?---Well, it would sound like the plant was operated.

Yes. In effect, I mean normally, what would be happening?---The start of the system would be running and the end of the system would be running, but the middle's sitting still.

The middle is sitting still, so what you did, you turned it on, you got the air hoses and so forth going?---Mm.

Is that the point?---That's correct.

Made a lot of noise and it made it look as though it was a continuous assembly-line or a continuous process?---That's correct.

Yes. What about the final tanks which run through the chemical tank into the drain?---I was requested by Mr Higginson to fill them with water.

For the same purpose, is that right?---They would contain approximately 5000 litres of mild grease-trap waste to maybe 30,000 litres of water.

Well, actually you are putting a lot of water in. I mean, it was not just a -- --?
---A cupful.

-- -- a cupful, or something like that?---Mm.

And the result of this was, I suppose, that the liquid looked pretty good with only a little discolouration?---Yes.

O'Connor was not the person who usually conducted tours of inspection but did so on one occasion when representatives of the Army were present. He said of this episode:

Right. You remember one particular occasion when the army was shown around?---That particular occasion I complained because they said that they were going to bring them to me and I had to show them around.

Yes?---And I said, 'How can I show them something that doesn't work?'

Yes?---And Brian, my manager has a great habit of turning around and walking away from these situations and disappears up to Murarrie, and consequently Mr Dennis Nutt brought this army officer in and stood him beside me and suddenly I was left with the job, so I told him the procedure of the factory, how it worked under the Genesearch regime. I didn't tell him how it was operating at the particular time, because at that stage if I'd have told them something like that there's a great chance I would be collecting the dole cheque at the moment.

It should also be said that O'Connor was firmly of the opinion that these pretences were Higginson's idea and that the upper Management of the plant would not know of it as Higginson was the only person who had instructed him to do such things. It should be said that Mr Higginson, in his evidence, suggested that the presentation of the plant to the various visitors was not a pretence of its effectiveness, but merely a working display of the plant to assist their understanding of what the company was attempting to achieve.

GREASED IN

A consequence of the method operated by O'Connor and others, was that the tanks used to separate the grease from the liquid were also the receptacles of the separated grease. Over time it accumulated within the tank decreasing the volume available to accept liquids until, on occasions, the plant would be at a stage which O'Connor called, 'greased in'. Reference to this has already occurred in one of the

earlier quotes where he spoke of the limited volumes which remained for receiving liquids.

The remedy for being 'greased in' was for the grease to be removed. Apparently, the relationships within Transpacific were such that Higginson had no authority to direct the truck drivers to remove the grease, but made the request of Brooker, the Transport Manager who would allocate the trucks when he believed they were available. In addition to the commercial pressures of serving clients, there appeared to be a personality clash between Brooker and Higginson which lowered the level of co-operation which Brooker would give to requests for trucks to clear away grease. Entries in the plant diaries corroborate numerous events of the plant operators recording the extreme difficulties which they often faced as a result of a greased in series of tanks, and the demands of continuing to receive the increasing volumes which the transport arm of the company was delivering to the plant. This was also corroborated by Higginson's reports to the Management Committee.

The removal of grease from the plant meant that it had to be taken to some other site, such as the Council depot at Willawong, and therefore costs would be incurred through the dumping.

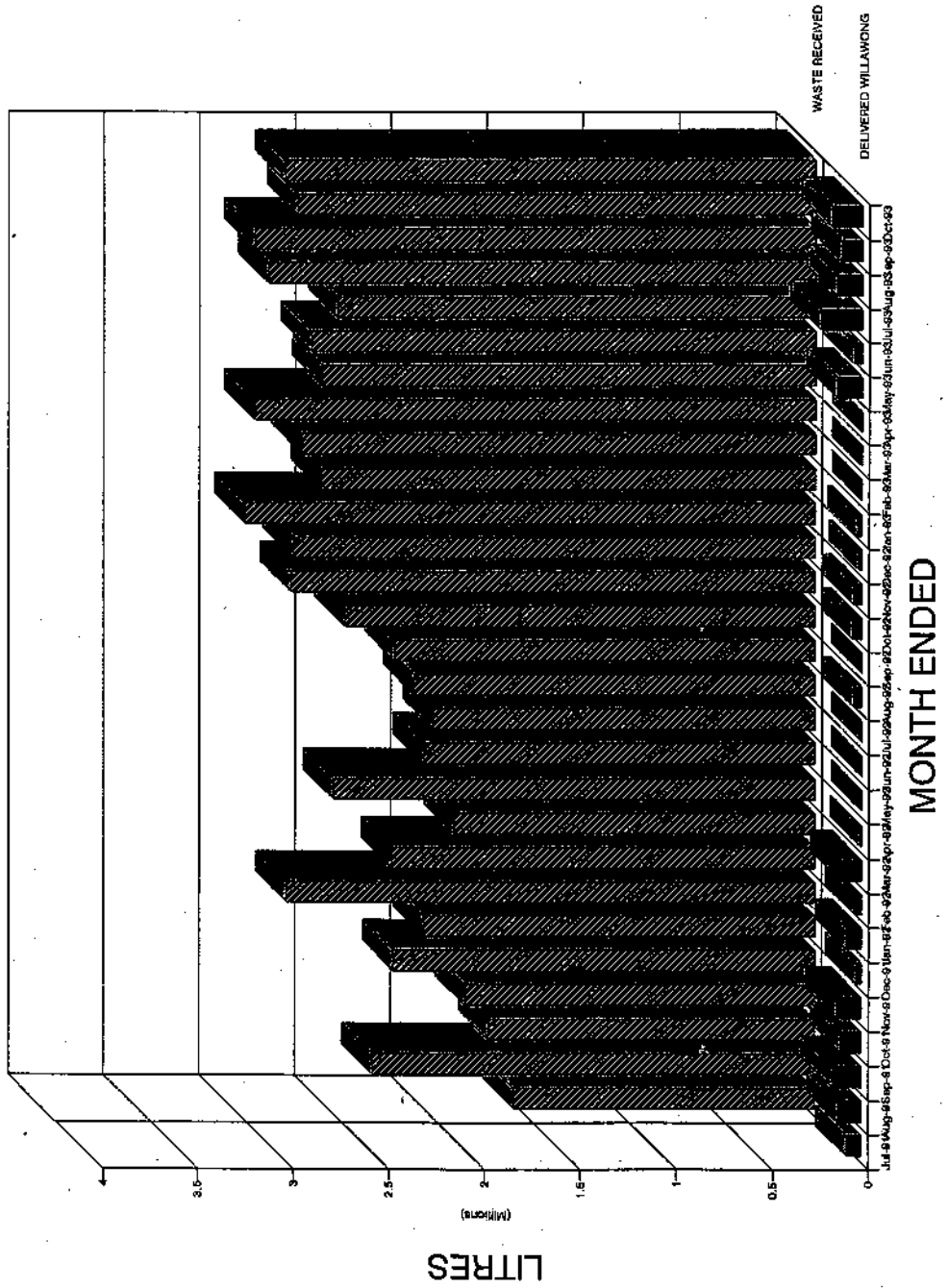
It was maintained by Transpacific that this accumulation of grease was, in fact, part of their forward planning to have a supply of material available for producing tallow at the Murarrie plant. This, whilst having a superficial merit, ignores the fact that the greasing in of Marsden apparently commenced well before the purchase of the Murarrie plant in April 1992. Further, the minutes of the management meetings which were seized by the Commission during the execution of search warrants, record a decision of 28/4/92 that customers were to get priority to tankers unless the plants looked like closing down. The minutes for 27/5/92 state that material was not to be taken to Willawong, but to be used by some arm of the company.

Analysis of the volumes of material received at Marsden and taken to Willawong were conducted by the financial analyst, Goody. The figures were converted to a graphic form and these are instructive; they show the volumes of material which must have built up in the plant and the timing of the plant being cleaned out. There were two significant clean outs of the plant. One in March 1993 which is, coincidentally shortly after *The Sunday Mail* of 21 February 1993 published news of the Commission's investigations and the second in October 1993, shortly before the commencement of public hearings, but after they had been announced (see Figure 3).

It was not explained why the build up of grease within the plant was continued in preference to storing the grease in containers which would not decrease the plant's capacity to deal adequately with the in-flow.

FIGURE 3 - MARSDEN RECEIPTS AND REMOVAL TO WILLAWONG

AUSTRALIAN RESOURCE RECOVERY MARSDEN



OTHER MATERIALS INCLUDING SEPTIC WASTE

The plant was licensed to receive only grease trap waste. It was conceded ultimately that until the CJC searched the plant it had regularly accepted sewerage or septic materials. This was clearly not authorised by the terms of the approval for the plant, nor does it comply with the appropriate regulations.

The plant itself would seem not to be set up to receive septic material. The reception bay is essentially a narrow pit in the floor with a grate over it. Trucks arrive and discharge their waste onto the grate. The liquids fall through and any solid material is caught on the grate to be shovelled off manually by the plant operators. With grease trap waste this may result in shovelling of cans, some scraps of food and some more unpleasant material. With sewerage and septic material, this resulted in the plant operators having to shovel condoms, tampons, disposable nappies and other items which have accumulated in the human waste and place them in an industrial waste bin which was ultimately collected by another cleaning service. The mere statement of such an unpleasant and obviously unsanitary practice, to my mind makes clear the level of disregard for the permit conditions which was apparent within the plant. On Transpacific's part it was said that the collection of septic material was done as a favour to people who, in emergency situations, could obtain no other transporter to clear their septic tanks.

In evidence was a statement from Detective Sergeant Fraser which included a summary of interviews with 97 persons who had used the service, none of whom made reference to this emergency situation and some of whom said the service was used because it was cheaper than the other services. Further, tendered as exhibits were advertisements from the Yellow Pages of the previous four years where Transpacific businesses advertised specifically under the heading of septic waste removal. It was said by Transpacific that these were historical entries which had been continued on by oversight when the other businesses were purchased. Further, Higginson claimed to be completely ignorant of the delivery of this septic material to his plant. A statistical check of the four months analysed by the Commission (1/7/92 - 31/10/92) showed over 200 collections of this type of material within that period. Further, the plant diaries kept by O'Connor made quite graphic record of the reception of this material by its more crude descriptions and O'Connor said he discussed it with Higginson on several occasions. He said Higginson generally read the diaries each morning.

One contributing factor to the failure of the Genesearch technique may well have been the lack of quality control of the incoming material. Previous reference has been made to the material which appears to have come to the plant, including septic material. Higginson was asked about the reception of septic material. His answers provide an instructive insight into the man:

Mr Hampson: Anyway, you have made it quite clear that he never indicated to you that septic waste was being introduced into the plant?---I think if you look in my original statement there was a time earlier on when that had come to my attention, but subsequent to that I don't remember anything.

Yes. In your statement, what you are referring to is in paragraph 68:

Also, from time to time, Mr O'Connor had mentioned to me that septic waste has been received into the plant.

Now, that is quite different from what you have been saying in the last few minutes, is not it? What is true?---That was a considerable time ago.

What is true?---That was a considerable time ago.

What is true; what you have recorded in your statement here or what you have been telling me the last couple of minutes, that you - first of all that he has never told you, that you never understood that septic waste ever came into the plant and then perhaps a long time ago on one occasion you have got a memory that he might have said it, or as it is said here, that 'from time to time' he has mentioned it to me. What is true?---I would say that a considerable time ago he may have mentioned on one or two occasions that material which may have come from septic tanks had come into the plant.

Well, that is a third version of it?---Well, we'll stick with that one, then.

Which is the - that is the one you prefer?---We'll stick with that one, we'll stick with that one.

The revised version, the - - - ?---That's right; we'll stick with that one.

- - - the third Higginson edition; that is the one you would like, the third one, is that right?---Yes.

You realise that they are quite different? You realise that they are quite different; the three versions are different, are not they?---I'm sticking with that particular one I just mentioned.

Yes, okay, but you realise that they are quite different? You realise they are different versions; they are not - it is not just a play on words that we are involved with here?---Right; carry on.

A later exchange with Counsel Assisting concerned Higginson's knowledge of complaints and entries by O'Connor where he described septic in basic language:

And you did not know what the 'shit' was?---That's right.

And you never said to him, 'Is that a case of some more of that sewerage or septic?' You never -- you never questioned him to find out what it was?---No, it was -- it was his normal parlance for describing anything which he thought would be objectionable.

I see. And you say that as plant manager, knowing of this particular incident of the septic, and knowing that it put the company's licence in jeopardy, knowing that the transport manager promised it would not occur again, that when O'Connor again said to you that loads of shit had been received you never checked to see whether he was talking about more loads of septic material?---I couldn't -- I couldn't see anything.

You could not see anything?---No.

All right. I am just asking you a question. You did not ask him, granted all the things that I have mentioned to you as facts, you did not seek to ascertain from him whether when he was talking about shit he was referring to septic?---No.

Never did?---No.

All right. Would it be the case, Mr Higginson, that there are none so blind as those who do not wish to see?---It may well be.

And that you were really closing your eyes to the -- --?---No.

-- -- bringing into the plant of septic waste? That's -- --?---No, I was unaware of it.

You were unaware of it?---Mm.

It was also apparent that there was mixing of loads of septic, grease trap and other materials when the septic tanks were emptied and apparently also material such as glass, sludge, silt from crafts in schools and a variety of other material appeared to be returned to the plant for introduction into the system.

When asked of the regular reception of septic into the plant, Sparks, the technical manager, answered:

See, if you had been told a couple of years ago when you raised it the -- what I say is the truth of this hundreds of jobs and the way it has been done, I take it you would have done your best to put a stop to the practice?---That's correct.

Because otherwise the licence might have been revoked?---That's correct.

And in any event, what you had been telling the Government about trying to recycle this would have just looked -- --?---Well, certainly ---

-- -ridiculous. You would have been a figure of fun really in Government health circles?---You'd lose credibility, I agree.

MURARRIE PLANT

While possessing a much greater capacity than Marsden this plant received much less liquid than Marsden. The heating system used to treat the liquid was until recently subject to regular breakdown and it was only in the last weeks of the hearing that any saleable tallow was produced. Liquid could only be released from Murarrie after approval of a BCC Inspector who attended to test that liquid. There was limited evidence concerning unauthorised discharges of liquid. There were marked differences in the figures calculated by the Commission as being received at the plant and those advised to the BCC as being discharged. These differences are discussed later.

EVIDENCE FROM THE PLANT MANAGER

Mr Brian Higginson was employed by Transpacific in September 1988 to manage the Marsden plant which was to be commissioned in the next month. He held qualifications in Applied Biology from England and had worked in England and New Zealand for a number of years and sometimes in fields which appeared to have a close relationship to the original objectives of the Marsden plant. He was not involved in the design or construction of that plant.

Whilst initially being the Plant Manager at Marsden, subsequently he managed both Marsden and Murarrie, however, by May 1993 Mr Good had been appointed to assume management of the Murarrie plant.

Because Higginson was a Manager in Transpacific and attended the management meetings and, therefore, was the Executive Officer who had the most contact with and detailed knowledge of the workings of the two plants, I believe that I should deal with his evidence at some length.

I was not impressed with him as a witness. I formed the view that he had wholly merged his interest with those which he perceived to be his employer's interests. He gave his evidence in an assured manner which was sometimes at odds with his lack of recall in relation to significant events and improbable explanations which he offered concerning other issues.

An 18 page statement had been prepared and submitted on Higginson's behalf by Transpacific's legal representatives. This statement detailed the history of the plants, their operation, the initial processes in place at Marsden and modifications to it and also the process at the Murarrie plant.

One issue which I believe is of significant assistance in determining the credibility of Higginson's evidence related to the quality of the liquid discharged from the Marsden plant.

I say this because if Higginson believed that the discharge from the plant was wholly satisfactory, then it is unlikely that he had a reason to mislead me regarding the allegations in relation to the hidden pipe, the cleaning of the monitor tank and the quality of samples sent for analysis. If, however, he did not believe that the discharge complied with the conditions of the plant's approval, it provides a motive for a sinister explanation of these and other matters.

In his statement, Higginson said that the part of the plant which did not use the Genesearch process worked on the basis that:

Waste was pumped into the receival tanks, it was left there overnight and then the liquid from which the grease had separated was moved to the clarifier before the liquid was discharged.

This simple process of allowing the liquid waste to settle in tanks was in my view sufficient to separate the greases and the solids and it helped to reduce the BOD in the water which in my view complied with the requirements of the Logan City Council.

He then went on to point out that the liquid discharge was an improvement on liquid going into the sewers daily through ordinary commercial grease traps. Later he said:

Even if liquid waste from grease traps were only permitted to settle for an hour, there is a strong argument to say that this is sufficient to allow adequate grease separation.

He referred to an article by Dr P E Grant to support this. In relation to the issue of BOD of waste water, he said:

It is certainly impossible to make any adequate pre-determination of a likely chemical composition of liquid effluent merely by visual inspection.

Higginson was at pains to persuade me that satisfactory separation could be quickly achieved.

A number of things can be said of this. The discharge conditions for the Marsden plant were by reference to BOD in the liquid discharged not separation of fats. Mr Good, the Plant Manager at Murarrie since May 1993 gave evidence in January 1994. Whilst it must be recognised that the Murarrie plant was different from the Marsden plant, Good said in relation to the issue of water settling that the settling time at Murarrie was effectively 10 days and in that time, it might require three to

five days for aeration of the water before it came to a satisfactory level for the Council approval to release it and that he would like to see three days every time. He was asked if a tank had been settling for an hour, would a BOD level of 590 be expected, and he said that it would take a lot longer than that. The effect of Higginson's evidence was put to him. He was then asked:

Q: What do you mean, an hour's time to get down to a BOD level of 600?

A: Oh no, no, no, an hour's time for separation.

Q: For separation?

A: Yes.

Q: But not separation to the extent where any effective amount of that water would get to a BOD level for discharge?

A: No not that close. I mean that depends entirely upon what the grease trap waste is that comes in. I mean if you, if you get a lot that's virtually water, right, which we seem to have a lot lately, I mean, then it doesn't need as much treatment and we don't take a test after its - we've run it out of the receival tank, so ...

Q: But you would not do that within an hour?

A: No.

Further, there was evidence from Dr J Reichelt, who was regularly in the plant until July 1992, that the technology at the Marsden plant was such that he would not expect it to be capable of reducing the BOD level below a figure of approximately 3,000-4,000 and certainly not below the 600 BOD required. There was also evidence from Mr Bristow of Symmonds and Bristow that the figures in the analysed samples forwarded by ARR to Bristow's firm were remarkably good figures for the technology that he knew existed in the plant and he said you would have to quiz the plant manager as to how he achieved these figures.

A telling point was raised by Hutton who asked Higginson in January 1994:

Mr Hutton: Mr Higginson, what is the minimum settling time these days for grease-trap waste before it is discharged?---Several days, actually.

Several days?---Yes.

It would not get any shorter than that - - -?---No.

- - - in peak times?---I would say that, at the moment, maybe two days is probably the minimum, at the moment.

But according to you - according to your statement, it would not really matter if it got down as low as one hour because - - -?---Not at all, no.

You think that that would be enough time to separate out?---Yes.

Higginson did not believe that the process, as designed and operated by Genesearch was effective. At his instigation or at least with his concurrence and encouragement, in 1989 a firm of consultants was called in to make an assessment of the effectiveness of the Genesearch process. This, in effect, was the entire reason for the plant to exist. It was the reason that the law had been changed to allow the plant to operate and the very reason for Higginson's job. When asked of the results of the assessment, his answers were most unconvincing. The exchange with Counsel Assisting was as follows:

Okay. At about that time Symmonds and Bristow did an assessment of the matter, did not they. There was a report commissioned from - - -?---Yes, I believe they were called in.

Yes?---Yes.

And did you read their report?---That would be quite a long time ago, wouldn't it? I can't recall very much. I can remember some of the things they said but I can't remember very much.

All right. Well, it was supposed to be an independent assessment of the efficiency of the biological process they were using?---Oh, yes.

Is that right?---It may well have been, yes.

And they reported positively in favour of it?---Did they?

Well, do not you remember?---No, I don't.

You have got no idea?---No.

You are the plant manager - - -?---Things have gone - - -

You have got - - -?---a lot of water's gone under the bridge since then, remember.

Well, just one moment. Just - it is a question of what seems of some importance. You are the plant manager and there is a time, apparently, when you are doubting that Genesearch can fulfil what you regard as their primary objective?---Yes.

And, in fact, it gets to the stage after discussion with management that an independent survey or investigation is commissioned?---Yes.

And you are telling me that, although you believe you read the survey or report, you cannot recall whether they reported in favour of it or against it, is that right?
---That's true, yes.

You just do not remember - - -?---No.

- - - whether they thought that - - -?---No.

As a result of this report, the process continued but was finally abandoned in July 1992. At that point, the process was changed to a fat recovery process at the Marsden plant using Higginson's designs.

The Logan City Council was not advised of this departure from the professed system in use at the plant. Higginson was asked about the standard of the liquids discharged and the fact that the permit from the Council was based on certain conditions being met by the particular plant.

The issue was whether the permit from the Council was to be read as warranting that the plant would meet certain specifications of BOD etcetera or whether the permit was merely imposing the conditions which the plant had to meet. Counsel Assisting asked Higginson:

And you are construing the permit that they gave by saying you can discharge up to 100,000 litres. You were using that in some way to indicate they must have inspected it and satisfied themselves that the plant was capable of discharging 100,000 litres a day of material treated to the standards that they impose. Is that the relevance you are getting at?---I'm assuming that, otherwise they wouldn't have given it.

Well, that is the point. That is the relevance. That is why you put the statement in. You are making that assumption?---Yes.

As far as the efforts at the Marsden plant to produce a by-product, Higginson ultimately conceded the lack of success:

The principal thrust of the activities of the Marsden plant was to produce a valuable produce the cost of which would be wholly or partially met, or subsidised by revenue earned from the reception of grease-trap waste - that is the way you explain it?---Yes.

Now I just suggest to you that, if that is the case, the Marsden plant has failed from its commencement till the present time, and the Murarrie plant has failed from its commencement to the present time, save for the last few months when some economically significant amounts of tallow have been made at Murarrie?--- Well, I still deny that particular one. I would say that we did try; we tried for three years to produce a valuable by-product; we did produce material; we could never produce a satisfactory quantity and we couldn't harvest the material when we

had made it satisfactorily, and I think in those particular cases you could say that, even though we tried to produce this material, we didn't succeed.

Higginson also maintained that there was clear detail given to the plant operators of the way plant operated in accord with the relevant laws. The exchange in relation to this was as follows:

Now, Mr Bowerman's evidence - he - you give in paragraph 45 your complete answer to that. Have you got your paragraph 45 there?---Yes.

You see, you say:

'Instructions were given to all plant operators as to the way in which the plant operated and the relevant laws which applied'.

What did you tell him about the relevant laws?---I told him that we worked under a permit from the - issued by Logan City Council, which required us to make sure that the effluent discharged complied with certain figures - - -

Did you tell - - -?--- which I then tried to explain to him what it meant.

Did you tell him that one of the things, for example, that you worked on was that - one of the conditions of the permit was that you were not allowed to have any septic waste treated in the plant?---I don't - well, I don't believe I mentioned that particular one because I wasn't aware that septic was coming into the plant.

Well, would not it have been a good idea to tell the operator all the conditions that - materials that he was not allowed to introduce into the plant?---I told him that we were receiving grease trap waste. I didn't say we were receiving anything else.

All right. I mean, if you tell him about the laws and you tell him about your operating under permit, you are hardly telling him the nature of the permit if you do not tell him the things he is not allowed to receive lest the permit be liable for revocation?---That's quite true, but I wasn't aware of anything else.

Were you aware of what I have just suggested to you, in fact; that the permit would be liable for revocation if in fact you introduced septic waste into it?---Of course.

You were aware of that?---Well, I would be aware of that, yes.

And you would have been aware of that from the time the plant commenced operation?---Well, there may well be other material which could have been considered as being brought in which I was - certainly wouldn't - probably never mentioned or even considered myself.

EVIDENCE OF WASTE DIVISION MANAGER

Peabody Jun, like all the other executives of Transpacific who gave evidence, attended voluntarily before me. He had prepared a 20 page statement dated 22 February 1994 and also produced a supplementary statement signed the day he gave evidence, 8 March 1994.

He became the Manager of the Waste Division of Transpacific on 1 February 1988. He held no qualifications or experience in chemistry or the waste industry at that stage. He recruited Mr G Sparks to the position of Technical Services Manager of the Division in July of 1988 and was involved in hiring Higginson as Plant Manager for Marsden in September of 1988. He also was said to approve the hiring of staff by the Transport Manager and he personally advised Fox of his dismissal.

In his statement he said that he did not become aware of the industry practice of draining of waste from grease trap waste or dumping until late 1989 or early 1990. I was doubtful of this account because, apart from hiring Sparks, who had a long history in the area having worked for the BCC for some years, a consideration for a new business would be reconciling of outgoings with the costs of disposal both for his own business and for competitors. Dumping would seem to me to be one of the primary considerations as to those costs.

In evidence Peabody Jun said that once he found out he caused a notice to be put up at Marsden advising drivers that they would be dismissed if detected dumping. The exchange concerning this was as follows:

And how long did the notice stay up?---Well - well, that's - actually, I - to be honest with you, I didn't even remember the notice until after this inquiry had started. It was brought to my attention by one of the truck drivers, so I mean, I only go to Marsden at the best maybe once a week or once every two weeks, so I couldn't tell you that.

Who was the driver that brought it to your attention?---Julian Stapleton.

He was quite clear there had been a notice that was up?---Well, he brought it to my attention and as soon as - I did remember as soon as he said it, and basically I had four or five members of our staff look for it for four or five days.

All right. And not only could you not find a copy of it, but you could not find any reference to it in any minutes anywhere, could you?---No, but - like as - in this management committee report, you will see one of my concerns even at that time has been - had been the quality of filing at Marsden.

Yes?---It was very, very weak.

Anyway, it is the fact that it has not been - this search has not been able to turn up a copy of the notice, nor has it been able to turn up any contemporaneous document that refers to it, such as minutes of a meeting or agenda, or something like that?---That's - that's correct.

Peabody Jun identified Stapleton as the person who reminded him of the notice. In fact Stapleton, like just about every other driver, could not recall any such notice. The evidence of Stapleton was put to Peabody Jun:

All right. The - Mr Stapleton gave evidence here, it is at page 1193, your Honour, and he was asked, about line 15, "that was a" - he was asked about this illegal dumping, about whether there was a meeting and - in which people were told to stop and that:

"So therefore, that is what I mean, it was just a topic that was never discussed between you and your superiors?---No.

And neither did you ever get anything in writing. They never wrote to you a letter saying stop this or make certain you do not do this?---I've never seen any letter, no.

Or put up a notice?---I've never seen one, no."

Now that is evidence that he gave on 8 December 1993 at this inquiry?---Well that is extremely strange. All I'm saying is that Ivan Brooker actually rang me. I was in Melbourne, and said that Julian Stapleton had brought him - to his attention the memo. So I - whether Julian took out of context what was being said there. I mean, I do not understand; all I am saying is that Ivan Brooker had informed me that Julian Stapleton had reminded him of the memo.

I am inclined to the view that no notice was ever displayed but once it was raised as a notion it grew in the minds of a few witnesses who found the idea to their liking.

The history of the Marsden plant was also discussed with Peabody Jun. He said the plant started to work between March and the middle of 1989. Higginson had been recruited in September of 1988 to assist the plant starting.

Mr D Bristow of Symmonds and Bristow had been called in to examine the plant and give an opinion on the Genesearch process. He reported on 26 May 1989. Peabody Jun agreed that there must have been some activity at the plant by that stage for Bristow to have conducted his examination and report. However, Peabody Jun said that he probably was not involved in discussions of that favourable report but rather Bristow would have discussed the matter with his father, Peabody Sen.

In early 1990 it was decided that the Genesearch activity be limited to a fraction of the plant. Peabody Jun was asked about this:

What were they going to do: about a quarter or a sixth or what?---No, no. I am sorry. They were not limited - they actually were not to have anything to do with the water treatment. They were given a part of the plant to continue on with their research in the development of the fertiliser process.

All right. So they, in fact, were going to continue, if you like, almost a pilot plant activity?---A large scale - in other words - - -

Larger pilot plant?---Yes. Well - yes.

Okay. So they were, as it were, put off on a side track. They did not stand in the train of treatment whereby the material arrived and was treated?---That's correct, except for the fact that when we made this decision, I mean, I think John Reichelt would admit that we had been fairly patient with his system and one of the requests that we had was that he made available his staff for one or two months while we were changing over the system to actually help run the plant as well.

Now, it meant, then, for the next two years they continued in an experimental role?---Yes.

And the treatment at the plant was no longer a recycling process?---We were still - they were still attempting to recycle and basically the beltpress was still functioning on a day-to-day basis, etcetera, but the main function of the business that we had to continue on with was the treatment of the water phase.

That is what I am getting. What I am getting at, really: the idea of recycling was now consigned more or less to an experimental function?---Well, one aerobic tank instead of two.

Yes. And the main commercial process - - -?---Halved.

- - - was no longer a recycling process. It was a straight - sedimentation is the word I have used before - process. In other words a settling process, is that right?---Water treatment process.

Yes. Now, of course, that meant that you were no longer treating according to the licence you had, does not it?---I don't believe so, technically. We were doing half of what we were doing prior to - they had - I believe, I might be incorrect, but I believe they had two aerobic tanks and now they had one.

Yes, all right. But up until this time what you were endeavouring to do was in fact treat the incoming material to recycle it?---Yes, and they continued to do that for another two years.

But on what was really an experimental basis now?---No. Well, no more experimental than the plant was right from the day it started.

I see?---Just half of the volume is what they - they were actually treating half the volume of fat that they were actually - in the actual fertiliser stage. They were treating half the volume of what they were, say, a month prior to that.

All right. Well now in the early days from the time the plant started until this change was made that we have just been discussing early in 1990, what volume of the incoming material had they treated?---Well basically they were in charge of treating the water and the fertiliser production.

Well what - - -?---So, all of it, 100 per cent.

Well, let me put it another way: what volume of the incoming material was subjected to a - if I could call it - bio-degradable recycling process?---2 to 3 per cent.

Two to 3 per cent?---Yes.

And after 1990 that dropped to 1 to 1½ per cent?---Yes, exactly.

Is that right?---Yes.

Now, does not that mean that you were acting outside your - your licence - your approval?---I do not believe so, no.

You do not believe so?---No.

I see. Well, I suppose it is a question of really reading that and reading the legislation?---Definitely.

In effect, this meant that from the time that the plant was established until March 1990, only three percent of the material received at the plant was subject to any attempt to recycle it. From that point to mid 1992 only one and a half percent of the material received was to be recycled and then once Genesearch was removed from the plant the only attempt at recycling occurred at the Murarrie plant and, as stated earlier, that did not produce anything satisfactorily until 1994.

It should not be forgotten that the refuse management regulations were amended to permit the operation of this plant and its recycling processes. In short, minimal material was recycled for almost five years and it appears that no government department or local authority became aware of that.

Mr Darron Nutt had earlier given evidence about a memo which he and Peabody Jun had prepared in March 1993. That memo (Exhibit 269) included the following comments:

RECOMMENDATIONS FOR IMPROVING THE AUSTRALIAN RESOURCE RECOVERY PLANTS

T J PEABODY AND DARRON NUTT

INTRODUCTION

The plants both operate, at the moment, on the system of gravity grease separation. Basically, the grease is floated on top of the water. The water is run off and the fat, which is left, is taken to the cookers. This process is akin to the workings of a grease trap. It could be said that both plants are giant grease traps.

When dealing with the Murarrie plant the memo said:

At the moment, the tanks are near capacity and the efforts of staff to effectively treat the influent are fruitless. It is recommended that the fat in the tanks be pumped out. There is approximately 270,000 litres of fat in the tanks that require pumping out. There is an additional 20,000 litres of solid fat in one tank that will have to be disposed of by other means, such as a bin.

In respect of the Marsden plant they wrote:

All the tanks are nearly entirely full of fat. There is no known way that the plant can operate under these conditions. The influent barely has time or space to settle, resulting in the effluent to sewer being overstrength. The possible consequences of being caught by the council can range from fines to criminal proceedings and/or possible discontinuing of operations.

The only known way of alleviating this problem is to clean the tanks of their fat. The waste will then have time to settle and the D.A.F. unit can be implemented. The resulting effluent should be of much higher quality.

Peabody Jun was asked about this memo:

Now, when you got exhibit 269, that is the report that Darron Nutt wrote; remember that one?---Yes, I do.

You must have got quite a shock about that then, would not you?---Basically, as far as the volume of that, I certainly - I certainly was shocked, yes.

I mean at Crestmead?(Marsden)---Yes.

- - - we have got the highly qualified chemist, Mr Higginson, running it and so forth, and all these plans with relation to it. All the tanks are nearly entirely full of fat. There is no known way that the plant can operate under these conditions. The influent barely has time or space to settle resulting in the effluent sewer being

over strength. The possible consequences of being caught by the Council can range from fines to criminal proceedings and/or possible discontinuing of operations?---Yes, that's - and - that's correct. I was quite shocked, and I think if you - I think you will find within two days the material was removed.

Did you - - - ?---Once I was informed.

Did you find out how often this had occurred in the past - that it reached this peak?---I - I inquired. Like, we had quite a long - long discussions about it amongst many people, and we had basically been informed that it had occurred due to the fact, as we have said in my statement, and I think it has been explained in the past, Mr Higginson was basically trying to hold on to as much fat as he could in order for it to be able to be processed at the Murarrie plant once the cookers are running.

Yes?---Now, we had basically a year when we were trying to get those cookers up and running. We believed that we had the storage in order to be able to hold it as we saw that material as an asset, but when Mr Nutt informed me that it was actually inhibiting the plant I told him to remove the material.

Yes, I see. Do you remember the date of that report?---I don't, sir, sorry.

There is an article in *The Sunday Mail* of 21 February 1993 about toxic dumps bribe probe?---Well, I don't think grease-traps is a toxic waste, is it? I mean, is that what you are saying? So I don't think that would have concerned me.

Well, you would have, presumably, read it. You are interested in waste?---I'm sorry, I don't know if I read it or whatever.

No?---I'm just saying if it says anything about toxic waste - I mean, grease-trap - the water from grease-traps isn't toxic, I don't think.

All right. And the point being, however, that it is dated 21 February 1993?---Yes.

You cannot remember reading that in connection with Nutt's report?---It certainly would have had nothing to do with Darron Nutt's report. I can assure you of that.

You do not know, therefore, whether Nutt's report preceded that article or came after it?---Darron rang me on the phone I'd say three days beforehand and said he had problems. I said, "Would you write a report in both of our names and I'll have it instantly fixed," which I did. It had nothing to do with some article in a paper.

You say in your statement it was in March 1993. You see that in paragraph 83?---Sorry.

"I recall that in March 1993 when Darron Nutt who was acting as plant manager" - "I asked him to prepare a written report"?---That's correct.

That is exhibit 269?---That's correct.

So we know then that, in fact, it was done some time in March 1993?---Certainly, yes.

EVIDENCE FROM A COMPANY DIRECTOR

Peabody Sen gave evidence on 10 March 1994. It was obvious that he supplied strategic input to Transpacific and his other companies but was not involved in the day to day detail of its waste division.

In evidence it emerged that he had come to the Commission offices on 2 April 1993 and spoken with Thomas and Moczynski concerning the execution of the search warrants in the previous week. That conversation was tape recorded and the transcript tendered before me.

At that time he offered to assist the investigation with tours of the plant and by having his staff explain the company paperwork to expedite the investigation. He said of the paperwork:

When you truly understand all of our recording systems and how everything equates, you'll find that they're impeccable because we've spent an amount of time and effort in implementing those systems just so, they're balancing every month. The reason we've done that is simply for the reason that you people are interested in because it's very important to us that things are done properly ...

He also made the point that it was not practical or commercially viable for a company of the size and diversity of Transpacific to have policies that did not totally coincide with the Government waste management regulations and that this was intimately recognised by all employees.

Before me, Peabody Sen was asked of his memory of representations made to the Government for a change of the Refuse Management Regulations to make it easier for people who are engaged in the recycling process to operate. The following exchange occurred:

Was the situation that there were regulations which appeared to prevent you from taking the material to Marsden for treatment instead of taking it to a council dump? Do you recall that that was the original situation?---I don't believe so, because I don't believe that's ever been the case, but I do, once again, vaguely recall a situation where we were trying to get councils rather than having

contractors, specific contractors, to classify this material as a recyclable waste, and thus allow us to transport it from that council into our treatment works.

Where you were going to recycle it?---Yes.

And can you recall that there was some amendments made in the regulations, that is the State Government Regulations, under the Health Act, which had that effect?---I - - -

That allowed you to do that, in other words?---I can't recall that, no.

You can't recall that, I see?---No.

Because it would be relevant, of course, if the regulations allowed you to treat this material, because you were recycling it to obtain a valuable by-product, if it allowed you to take it and use it for that purpose, it would become relevant if you stopped that process by only allowing a small part of it so to be used. In other words, when you downgraded the Genesearch operation to one tank or two tanks or whatever it was, and had merely a sedimentation separation process for the great majority of the material coming into the plant, the position would be that you were not, in respect of that large majority coming into the plant, really recycling. Do you understand what I mean?---Oh I understand what you mean, and I would concur, except that I don't believe that we've ever received any material or won any business on that basis.

No, it is not so much a question of winning business; it is a question of whether you are able to use the plant at all, you see?---Well, the - I don't believe that the licence of the plant, although I'm not familiar with it, but I don't believe that it's predicated on us recycling, if that's what you mean.

Yes, right?---And that licence, or the permission for that licence, was in existence long before we even bought the business.

You cannot remember anything about the regulations as opposed to the licence, though?---No, sir.

I found it remarkable that in 1994, almost five years after part 4A was inserted into the Refuse Management Regulations to permit and control the recycling of bio-degradable refuse, the most senior officer of the company operating the only plant approved to carry out that process in Queensland, did not believe that the permit of the plant was predicated on it recycling material.

The permit from the Logan City Council required compliance with the Refuse Management Regulations. Mr Lane, the Chief Environmental Health Officer from Health, gave evidence before me detailing the history of the amendments to the regulations. That evidence made it clear that an entire part of the regulations, Part 4A, was added to cater for recyclable, bio-degradable refuse. The specific cause

of this amendment was the Marsden plant and representations from Transpacific made in the large part by its legal representatives.

One of the letters included in the file from Health which was tendered before me was a letter of 20 March 1988 from the Minister for Health to Mr Peabody stating:

The matters are now being resolved by proposed changes to the relevant legislation.

The Logan City Council had applied to the Director-General of Health and Medical Services and an approval was granted by him on 10 November 1989 for the purpose of processing recyclable, bio-degradable refuse at the Marsden plant. That was the only approval given for that plant.

Peabody Sen was unable to help with much of the day to day detail concerning the Marsden plant, although he did have a very faint memory of approving a notice to drivers directing that any driver detected dumping material would be dismissed. I have already dealt with the existence of this notice.

EXAMINATION OF SUPPORTING DOCUMENTATION

Collection and Examination of Records

Following the receipt of approval from the Supreme Court, three search warrants were executed on 25 March 1993 by officers of the Criminal Justice Commission at Transpacific's offices at Toowong and also the Murarrie and Marsden plants. No effort to obstruct the Commission officers was made and individual staff at these plants were quite co-operative and helpful. As a result of the execution of the search warrants, a large quantity of company records was seized and transported to the offices of the Commission. Records relevant to the investigation were also obtained from the Brisbane City Council, the Logan City Council and further records were voluntarily provided by Transpacific.

These records were analysed with the assistance of a computerised data-based system developed by Commission officers. The inputting of the documentation was a considerable task and it was decided that initially data for a sample period of three months would be analysed. DEH provided the services of four data input operators who assisted in entering the relevant information for a period of one month. Commission staff were also involved in this and following the input of data, it was checked for accuracy by other Commission staff. As a result, more than 70,000 documents were input for the period 1 July 1992 to 31 October 1992. This was a period of four months and was made possible by the additional staff from DEH assisting the Commission. The database was developed by Inspector J Moczynski and Mr D Goody, Financial Analyst with the Commission, with the

assistance of the Commission's Computer Services Branch. During this hearing, Goody conferred with accountants for Transpacific to assist them to understand the process which had been used, so that Transpacific's legal advisers could be fully briefed on the material input and the conclusions which were drawn from analysis of the data.

Documents Used

As might be expected, a number of dockets and other records were kept by the business to indicate services rendered to its clients, the accounts issued and to comply with the requirements of Local Authorities and government departments. I will briefly summarise the effect of the evidence about some of the more important documents which were the basis for the data input.

Transporter dockets – this form was used by drivers of Transpacific to record the performance of work for a generator of liquid waste. The document consists of one original and two copies. The original was left with the customer at the time the job was performed, the first copy (pink copy) went to office staff at Marsden for pricing and was then forwarded to the Toowong office for invoicing of the customer and the second copy (yellow copy) remained in the docket book. The transporter dockets were of a similar design, except some use the business logo, 'Grease Trap Cleaning Services' trading as 'Mr Zapp' and 'Zappaway' and others, the logo, 'All Suburbs Discount Grease Trap Pumping Services'.

The next dockets of importance were the Local Authority dockets. Those in the possession of the Commission consisted of the BCC grease trap waste class one dockets, BCC liquid waste transport five-docket system dockets, Gold Coast City Council grease trap waste dockets and Transpacific Industries Pty Ltd service dockets (used for the Ipswich City Council area). The BCC and Gold Coast grease trap waste dockets had one original and two copies; the original to be provided by the transporter to the generator of the waste; the first copy to be left at the disposal site (usually Marsden or Murarrie) for collection by the relevant Local Authority and the last copy to remain in the book.

Transpacific Industries service docket for the Ipswich City Council area had three copies; the original to be provided to the generator; the first copy to the Council and the second copy kept for records; the third remained in the book.

The BCC liquid waste transport five-docket system had the original supplied by the transporter to the generator; the first copy (green) was also supplied to the generator to forward to the BCC within seven days of the collection of the waste; the second copy (yellow) was to be retained by the disposal site operator; the third copy (blue) was to be forwarded to the BCC by the disposal site operator within seven days of the receipt of the waste; the fourth copy (gold) remained in the

docket book as the transporters copy. BCC conducts a procedure whereby they match the green and blue copies of the docket as a means of ensuring that loads of liquid waste, subject to the use of the dockets, are accounted for. The five-docket system was not used for grease trap waste. BCC classifies liquid waste delivered to Willawong and this appears on each receipt advice. There is a range of waste codes, extending over classes 1 to 7X.

Other dockets used were BCC receipt advice (Willawong disposal site) which is a receipt issued at the Willawong Liquid Waste Treatment Plant for the receipt of liquid waste from transporters; also Australian Resource Recovery Pty Ltd receipts - these receipts are used at the Marsden and Murarrie plants for the receipt of liquid waste from transporters. It consists of an original and two copies. The original being given to the transporter of the waste. The first (blue) is given to office staff of the plant for record keeping and invoicing transporters external to the company, the second (pink), remained in the book as the plant copy.

Results of Analysis

Once the information had been input into the computer it was subject to analysis for a variety of purposes. The analysis was designed for the tracing of each load of liquid waste from its point of collection to point of disposal, or conversely, to have indicated that there was no record of its disposal. The analysis was reported upon by Goody in his evidence and he tendered a number of schedules relating to the period 1 July 1992 to 31 October 1992. The first such schedule was for the overall liquid waste figures for the group. This schedule highlighted the range of liquid waste types and large volumes of liquid waste collected and transported by the company in the four month period. It also showed that different types of liquid waste were mixed together at source when collected from generators. It showed that grease trap waste was, at various times, mixed with paint, silt, special, sillage, sludge, acid trap, portable toilet waste, laundry waste, silt and oily waste. The schedule also indicated that some of the descriptions on the documents were ambiguous if not meaningless. Descriptions such as, rinse water, sludge, drum wash, plant waste, effluent, slurry, wash and other vague terms were sometimes entered by drivers.

As a result of the analysis of the records, Goody spoke of the volume of grease trap liquid collected and advised that several adjustments should be made to the gross figure of over 9,100,000 litres of grease trap waste. This arose from considerations such as the system used at Ipswich City Council, incorporating transporter dockets; to adequately record the liquid waste collected in the Ipswich City Council area, something over 500,000 litres needed to be added to the total. Further, Gold Coast transfers to the Marsden plant were deducted to avoid double counting, as were transfers of material between the two plants. The resulting figure, after adjustment, was that 8,976,355 litres of grease trap waste were

collected during the period 1 July 1992 to 31 October 1992 as per the company's transporter dockets which the Commission has in its possession.

This figure was compared to the litres of grease trap waste recorded as having been received at the Marsden and Murarrie plants during this period. The figures for these plants came from the management reports of the company. The management reports indicated that 12,702,739 litres of waste were received at the two plants in this four month period, excluding inter-plant transfers and waste received from other transporters. Goody relied on the management figures as he doubted that the Commission had all the receipt books used by Transpacific for the period, and doubted whether the receipt books, themselves, were used consistently to record the receipt of waste at the plant. He formed this opinion as he had tried to reconcile the waste received by the plant records with the receipt books and was unable to complete this task as there were many cases of waste receipts in the plant records which were not matched in the receipt books.

It should also be noted that the total of litres of grease trap waste received for the period according to Council and company records, was 11,009,905 litres. This, of course, did not sit with the figure of 8,976,355 litres calculated from the transporter dockets or 5,291,680 litres calculated from the Council dockets. Part of the reason for this discrepancy is that the company receipts were for all transporters using the plants, not only those from the liquid waste division of Transpacific, whereas the transporter and Council dockets were only related to the liquid waste division of Transpacific. Nevertheless, there is a substantial discrepancy between the Council figure of over five million litres and the transporter dockets of just under nine million litres and the management report figure of just under 13 million litres for the four month period.

The attempt at reconciling the total volume of grease trap waste recorded on transporter dockets to those recorded in the management report was inconclusive. Possible reasons for this are :

- (a) The documentation was probably not always accurately completed.
- (b) The dockets did not always carry the number of litres collected.
- (c) Drivers use water to wash grease traps and thereby may add to the amount they collect beyond the capacity of the grease trap that they were cleaning but only record the volume of the grease trap on their dockets.
- (d) There was waste of an indeterminate quantity collected which was not grease trap waste and had been brought to the plants, such as septic and sewerage, paint and silt waste. The volumes of septic and sewerage were almost never recorded.

- (e) The documentation made by the company and sent to the regulatory authorities may not be accurate and there was evidence from Higginson, particularly, that he did not rely on the documents used as the source of these figures.

Higginson advised that he prepared the management figures relied on by Goody and obtained them from the plant sheets maintained by the Plant Operators. He said they were estimates and that he did not rely on them.

A schedule was compiled of liquid waste grouped by like waste categories and this highlighted discrepancies between volumes recorded on transporter docketts and volumes recorded on the Council docketts. The design of transporter docketts and the Council docketts were such that there was no direct link between their serial numbers and therefore, this task had to be performed manually by matching the forms on the balance of probabilities. A print out was obtained of all transporter docketts for which there were no matching Council docketts available and this was tendered. The Commission was able to match all but 13 Council docketts to transporter docketts.

Whilst the Commission could identify the point of generation of almost every load of which the Council was notified, there was a significant number of transporter docketts which were not matched to Council docketts (2,638). Some of these were related to docketts for providing services such as on-site transfers and various other services for which the Council would not be notified. Classifications of waste for which no Council docketts could be found were grease trap waste, oil and oily water, sewerage and special, cement slurry, sludge, tallow, plant waste, paint and silt, effluent, permanganate, caustic and there were 33 docketts where no waste form was nominated at all.

The volumes of liquid waste received at the Marsden plant were also analysed. This information was obtained from the plant sheets for the Marsden plant which were maintained by the plant operators. The information from the reports provided to the Logan City Council by Higginson were also extracted. The figures were compared on a weekly basis and generally they equate and it would appear that the information provided to the Logan City Council was obtained from the Marsden plant sheets.

Goody also produced graphs portraying the receipt of liquid waste at the Marsden plant from July 1991 to October 1993 and the removal of waste to the Willawong facility during that period. The information from this came from both the Transpacific documents and BCC. The graph does not indicate any regular pattern of disposal to Willawong corresponding to volumes of waste received at the Marsden plant. It does, however, have some interesting comparisons with significant dates in the investigation, including the publication on the front page of *The Sunday Mail* of the existence of the investigation in late February 1993, the

execution of search warrants in March 1993 and the beginning of public hearings in October 1993.

Figure 3 reproduces the graph prepared by Goody as exhibit 118 in the hearings.

Goody carried out a similar exercise for material at the Murarrie plant. The schedule by Goody highlighted that the plant records from the Murarrie plant appear to bear no relationship to information available to the BCC. Murarrie plant diaries indicate that 8,476,991 litres of waste was received at the plant during 1 May 1992 to 2 June 1993. During that same period, BCC class one dockets indicate that 3,407,188 litres of waste were delivered to the plant. The discharge to sewer from the plant, according to the meter, was 3,522,000 litres; whilst this is close to the plant docket total figure it is significantly less than the 8,476,991 litres recorded as being received by the plant diaries. Higginson was shown this schedule in evidence. His view was that he would put no reliance on the information as to quantities of waste delivered to the plant detailed in the plant diaries.

This appeared to ignore the fact that the plant operators complete the receipts and plant diaries and swore that they do not have access to the transporter dockets. Higginson, himself, used the Murarrie plant diaries to compile weekly reports submitted to management to advise them of the quantity of liquid waste received at the plant and based complaints to the management committee on those figures. It is peculiar that there should be close correspondence between the figures notified to the BCC through its docket system and the meter readings upon which the fees to the BCC were paid and yet the figures from the plant operators employed by Transpacific indicate approximately 5,000,000 litres more than the other figures indicate was received at the plant per BCC class 1 dockets.

A graph of the receipt of liquid waste at Murarrie and the removal to the BCC of waste to Willawong was also prepared and is Figure 4. Again, the figures for Willawong facility were obtained from the BCC. The graph does not indicate any regular pattern of disposal to Willawong corresponding to waste received. Higginson advised that the graph reflected the fact that the plant had been subject to a major clean out in March and October 1993.

Goody also prepared graphs for the liquid received at Willawong from Transpacific for grease trap wastes, class one and two, for the periods May, June and July of both 1992 and 1993. The BCC uses a range of waste classes ranging from 1 to 7X to classify liquid waste. Class 1 and class 2 are grease trap wastes. The information used in this comparison came from the BCC. It is Figure 5 and was exhibit 125 in the hearing.

FIGURE 4 - MURARRIE RECEIPTS AND REMOVAL TO WILLAWONG

AUSTRALIAN RESOURCE RECOVERY MURARRIE

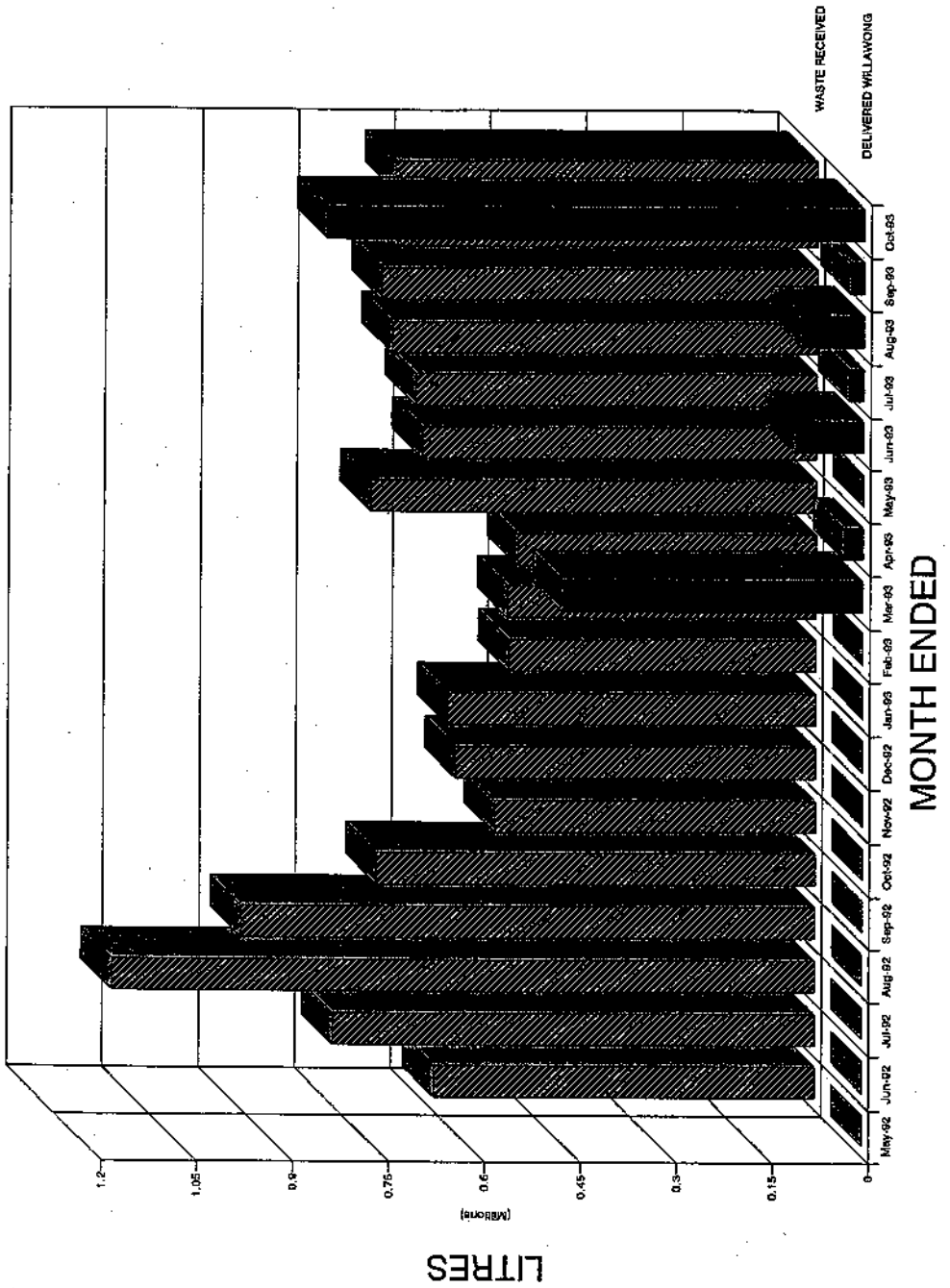
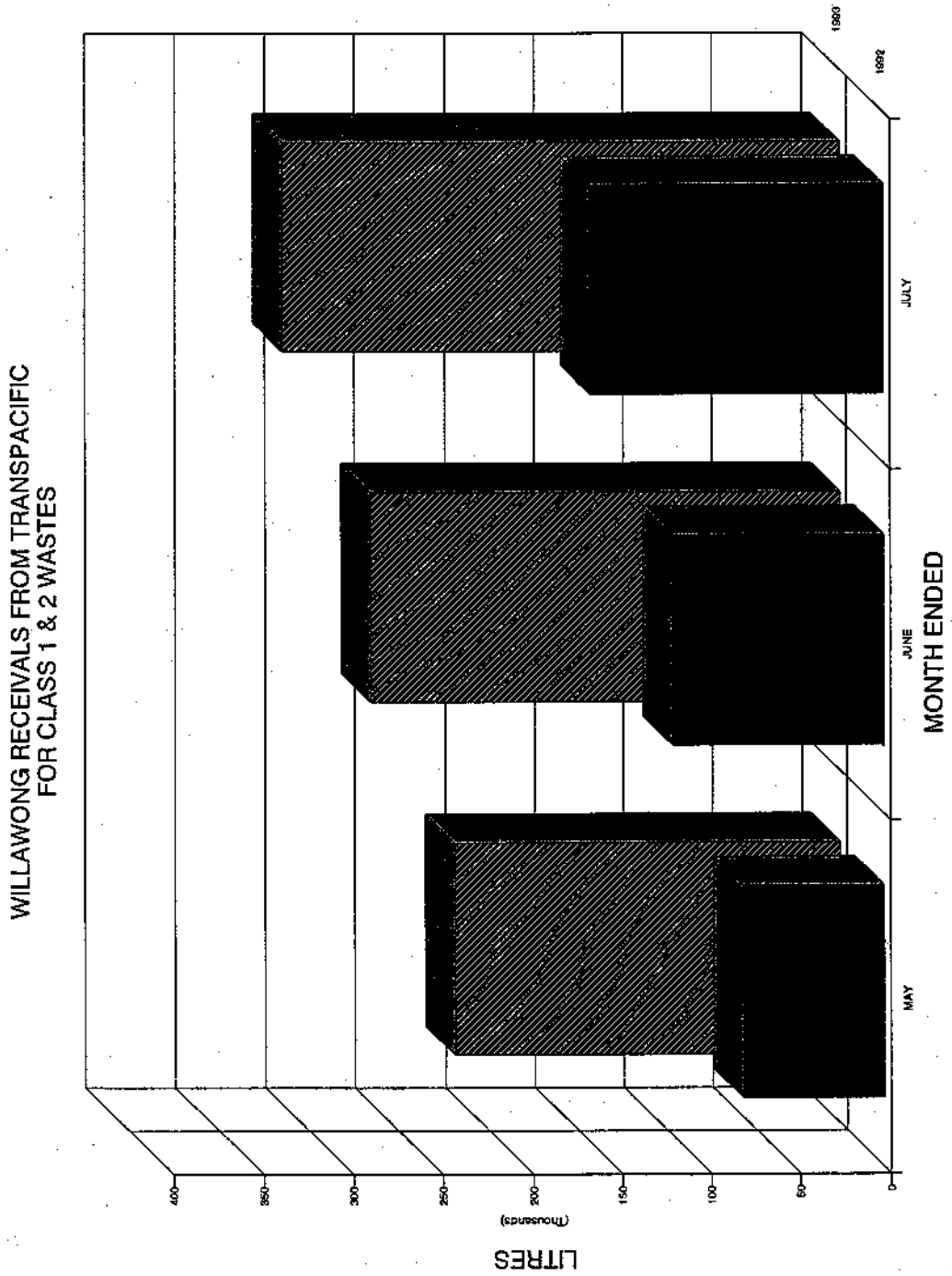


FIGURE 5 - WILLAWONG RECEIVALS FROM TRANSPACIFIC



Goody also prepared a graph showing receivals from all companies for class 1 and 2 wastes over the same period and that is Figure 6.

The graphs operated on time periods which compare three months before the commencement of the CJC's investigation and three months after public knowledge of its commencement. The first public knowledge of the investigation came from media reports in February 1993, although the particular companies involved were not named. There was further media interest in the investigation after the execution of search warrants on 25 March 1993. The graphs in these figures show an increase in waste receivals at Willawong from Transpacific during the months of May, June and July 1993 compared with the same period in the previous year of 173.4%, 122.2% and 90% respectively. Higginson advised this may be due to a greater quantity being collected in 1993 and the Murarrie plant being empty in April 1992, so it had sufficient capacity for some time to store the waste by product on site.

The graph of Willawong receivals from all companies for class 1 and 2 wastes showed an increase in waste receivals during May, June and July 1993, compared with the same period in the previous year of 17.8%, 35.6% and 50.9% respectively. Coincidentally, historical accounts of prosecutions that were conducted for dumping grease trap waste in the early 1980s included the observation that material taken to Willawong increased by about 50% after the prosecutions.

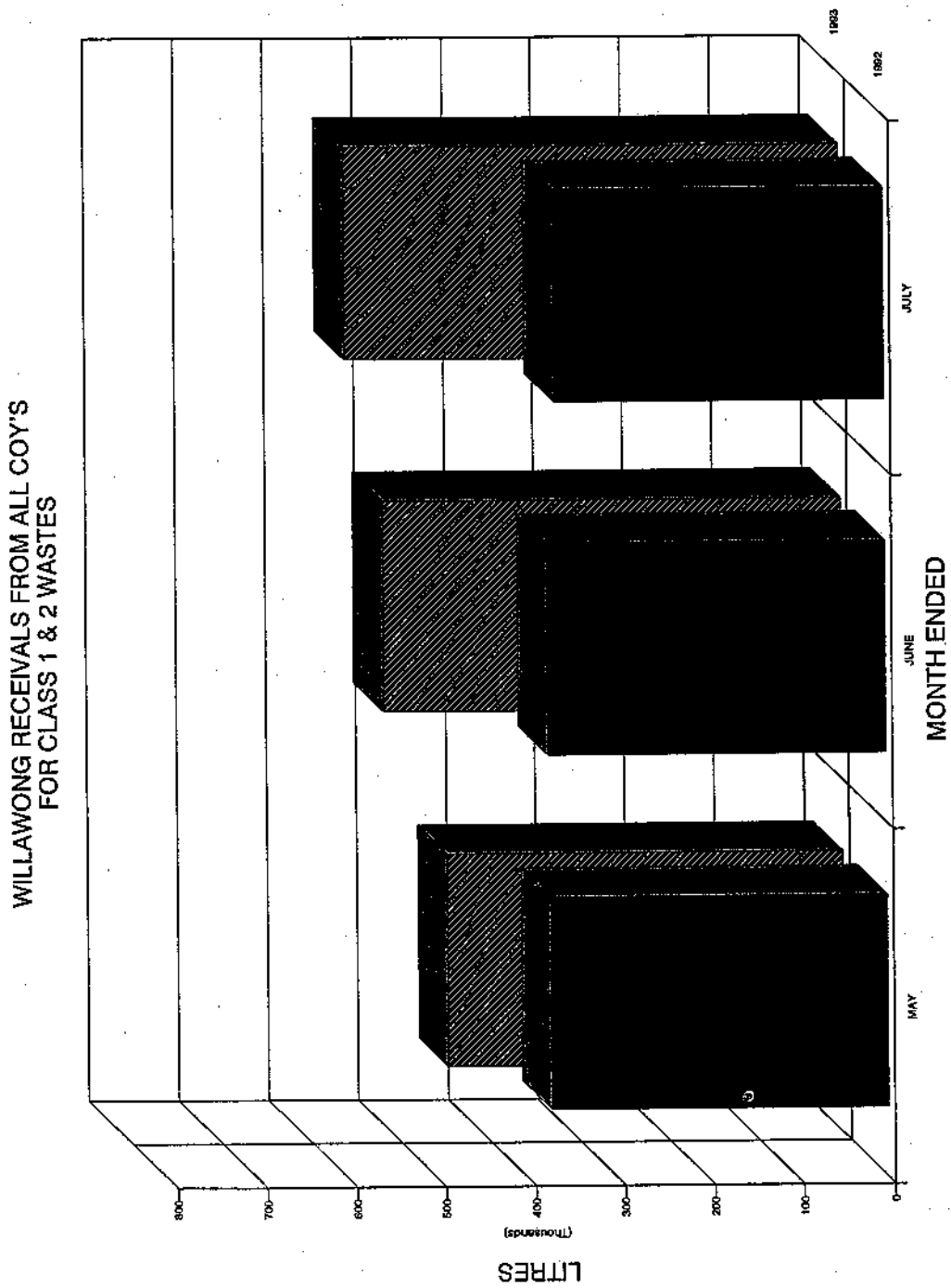
EVIDENCE FROM LOCAL AUTHORITY OFFICERS RE MARSDEN AND MURARRIE PLANTS

Marsden Plant

Mr Peter Way, Director of Engineering Services and City Engineer, and Mr Michael Bond, the Trade Waste Officer of the Logan City Council gave evidence. Way said that this was the only non-Council liquid waste treatment plant in the Logan City. It was on land established as a development estate on crown land. Because it was on Crown land, it was exempted from the town planning scheme by the Minister when the plant was built. He said that the Trade Waste Inspector was to inspect the plant on a random basis, at least once per month, and the original requirement was that Symmonds and Bristow collect the samples and analyse them to provide the certificate to Council on the liquids discharged.

The Health Department of the Council would only inspect the plant when complaints were received, usually about the odour from the plant.

FIGURE 6 - WILLAWONG RECEIVALS FROM ALL COMPANIES



The main concerns of the Trade Waste Inspector are the quality and quantity of the liquid discharged to the sewer. Way said annual trade waste charges are levied in accordance with the Trade Waste Policy which is based upon the quality and quantity of this discharge.

The Council receives copies of disposal site docketts on a monthly basis but only for those docketts issued within the Logan City area. ARR provide other information to the Council regarding grease trap waste collected outside the city and delivered to the plant as to the volume delivered and the date of disposal. Other transporters using the Marsden plant place copies of their docketts in a locked box at the plant and those docketts are collected by a Trade Waste Inspector.

Way understood that the original intent of the plant was to produce a by-product, a fertiliser, and the charges for the discharge depend on the volume and strength of the final effluent. He said that on two occasions, in February 1991 and August 1992, complaints had been received about the Marsden plant and that a sampling arrangement had been set up in a man-hole to detect if there were any large flows from the plant. No large flows were detected. From other evidence given to me it would seem that soon after these samplers were put in place, staff at the plant became aware of them.

The Director-General of Health and Medical Services gave approval for the plant to operate by way of processing recyclable bio-degradable refuse on 10 November 1989.

Bond said that the grease trap waste was the only material permitted to be accepted by the plant and the standards for the discharge to sewer were for BOD not to exceed 60 kilograms per day BOD of 600 and the total weight of the non-filterable residue NFR also not to exceed 60 kilograms per day.

He said that the liquid waste from the plant was discharged to a sewer and then conveyed to the Loganholme Water Pollution Control Centre for treatment with other waste streams and finally the treated effluent was discharged to the Logan River. Bond whose qualifications were those of a plumber said that he inspected the plant six times in 1990, eight times in 1991, eight times in 1992 and seven times up to October 1993. Most of his inspections were unannounced. He said that the volume of discharge from the plant is recorded by an electronic flow meter maintained at the plant and he carried out random checks of the meter to ensure its proper operation.

When inspecting the plant, he said he looked at the effluent in the final effluent holding tank (monitor tank) and the flow meter to see the pulse was recording on the flow meter. He said he had no knowledge of material other than grease trap being treated at the plant and in May 1993, Mr Higginson had told him that only grease trap waste was being received at the plant. He also advised that the charges

to the plant were based upon the average concentrations of BOD and NFR in the discharge to sewer and if this discharge exceeds the levels detailed in the permit for the plant, then a higher rate is charged.

He advised that the Council has sites which accepts septic, sewerage and portable toilet wastes. The charges for these are:

- sewerage - \$15.00 for amounts up to 1,000 litres and then additionally, \$2.00 per 100 litres
- septic - \$160.00 for amounts up to 2,500 litres, additionally, \$50.00 per 1,000 litres
- portable toilet waste - no charge.

The Trade Waste Policy establishes the standard charge to Transpacific for discharges from the Marsden plant were:

- less than \$1 per thousand litres.

In the year from 1 July 1991 to 1 July 1992 Transpacific advised the Logan Council that 31,210 kilolitres (1,000 litres) of treated water was discharged to sewer.

He advised that the Loganholme Water Pollution Control Centre noted some variations in the type of effluent being received at the plant, including numerous fat or grease globules in the oxidation ditches, indicating an unusually high concentration of grease or fat had entered the plant. There were four occasions when there were high concentrations of pulp like solids which were traced from a paper manufacturing company and a heavy oil substance observed in the sewerage. In all situations, the pollution control centre had the capacity to handle the material entering the plant and there was no significant effect on the treatment process or effluent quality.

Murarrie Plant

Mr Gregory O'Brien, the Supervising Officer of Industrial Waste Management, BCC gave evidence concerning this plant. Again it was the only non-Council, non-sewerable waste treatment plant within the BCC area. It was originally established after the Council received an application in 1985 from the company operating as ACR Trading. The purpose, when established, was to treat grease trap waste for recovery of grease for sale and the residual waste liquid to be treated to Council requirements for discharge to sewer under a Trade Waste Permit.

O'Brien's opinion was if the plant was properly operated it could produce an effluent safe for sewer disposal, but he was of the view that the plant would not be economic for the recovery of grease for sale. This plant was only permitted to receive grease trap waste; as the operator did not have any trucks when the plant opened it received limited waste as the main transporters were owned by Mr McCormack who did not permit his company to deliver grease trap waste to the plant. They took the waste to Willawong.

At the plant a steel box was located at the Administration Building and the transporters were to deposit their class one docket, which would be regularly collected by a Council Trade Waste Officer. This enabled a check to be made of the material arriving at the facility while the confidentiality of the transporters' commercial market share was protected. The Trade Waste Officer also checked the plant operation, took samples and read the meter to sewer. Material could only be discharged to the sewer with the permission of the Trade Waste Officer. The permit for the plant was conditional on class one waste i.e. grease trap waste having a docket and although waste could come from other Local Authority areas it was to be accompanied by a three-docket form.

The evidence from Mr Paul Barber, the Manager of the Water Supply and Sewerage Department of the BCC, disclosed that there was a difference of opinion between Health and the BCC. Health took the view that grease trap waste was a recyclable material and that the plant would be used to generate grease for sale. BCC took the view that grease trap was an industrial waste and, therefore, the Council required the Director-General of Health to approve the Murarrie site for treatment and disposal. The Director-General did not hold that view and said his approval was not necessary.

THE EXPECTATION OF GENERATORS

Because the investigation was concerned with the question of whether there had been a conspiracy to defraud by way of false pretences or false promises to generators of liquid waste, it was necessary to ascertain what those generators had been told or what arrangements they had with Transpacific regarding the disposal of the liquid waste they generated. Incidental benefits were the identification of dockets, procedures used for completing internal documentation of the generators, the types of waste generated and the selection process by generators in respect of tendering or letting of contracts for transport and removal of liquid waste. Further, the attitude of some of these major organisations would be useful as a guide to the general attitude of business.

A statement from a Commission Investigator, Mr G Bullen, was tendered which summarised the accounts of the clients' involvement. One of the clients of

Transpacific was an organisation which controlled a significant number of franchised fast food outlets and other restaurants in Queensland and throughout Australia. Officers in senior management of this organisation indicated that no formal contract existed with any liquid waste transporter. The contract was established by way of letters of offer which ran on a 12 monthly basis. The exception to this was where a Council (e.g. the Ipswich City Council), determined a particular contractor was to operate for the particular area. The officers of the client company earlier mentioned indicated to Bullen that they believed the liquid waste generated was transported to the Marsden recycling facility where it was recycled into fertiliser. They said that, to their knowledge, they were not provided with BCC class 1 docket, but a service docket was left with the store management which was forwarded to their head office for payment. It was indicated that the company had no environmental policy, but adhered to all Council requirements and regulations.

A second client was a major retailer. The agreement for removal and transport was negotiated from an interstate office and accounts were also paid from that office. The company documentation indicated that the waste collected in the Brisbane metropolitan area would be treated at Marsden but there was no explanation given as to any product produced by the treatment plant. Further, it appeared that the company records indicated that no documentation was left with the stores upon collection of the waste, but rather was forwarded directly to the company's head office, except in an area such as Ipswich. This company also had no environmental policy.

Another client was a major resort located at the Gold Coast. It had an annual contract with Transpacific. The contract identified the method and frequency of service and the disposal location. The company was provided with Gold Coast City trade waste docket and Transpacific docket on each occasion and the company was aware that the liquid waste was transported to a recycling plant but was unaware of what occurred after the waste was transported to Marsden.

Contracts also existed with the Parliament House complex and QBuild which is a division of the Administrative Services Department. In both situations, a minor works and services form was provided to the tenderer which included the specifications. That form when completed and returned, forms the offer document for the contract and the successful tenderer is awarded the contract which is made up of the minor works and services form and the specifications. The contract provides that the transporter comply with all legislative requirements affecting the service provided and the contractor have a quality assurance scheme or be in the process of meeting such standards. The accounts rendered were matched to transporter docket which were left by the transporter with a security officer. The BCC class 1 docket were also received and the process was such that the invoice would not be processed unless accompanied by a BCC grease trap class one docket. It appeared that QBuild also had its own tankers which were used to

retrieve liquid from a number of government facilities which have holding tanks. The liquid waste collected by QBuild was deposited at Local Authority sites at Willawong, Ipswich and Petrie. Responsibility was divided into zones and each zone had its own supervisor who was to conduct random inspections on each site to ensure that the contractors were performing to the tender requirements. Approximately 150,000 litres of grease trap waste was removed per month under the contracts for the Parliament House complex and with QBuild.

In addition to the report of major generators, interviews were conducted with 97 of the smaller generators of liquid waste to identify some of the more unusual entries, such as 'special' which appeared in the dockets. A summary of the effect of those interviews was also tendered. It appeared that most of the clientele had used Transpacific one or more times to clean out septic tanks. They had often contacted one of the subsidiary entities through the Yellow Pages where the advertisement was lodged. The cleaning of the septic tank was not spoken of as anything other than an ordinary service. The clients did not seem to place any importance on the issue of recycling of waste.

It seems that the major considerations of many of the clients of Transpacific were the price and quality of service. The issue of recycling was largely ignored. There was, however, in the Ipswich City Council's conditions, a reference to the material preferentially being recycled.

EVIDENCE OF DRIVERS FROM OTHER TRANSPORT COMPANIES

A number of drivers from other liquid waste transport companies were interviewed. Some were examined and statements tendered during the course of the hearing as were summaries of the results of interviews with some of the smaller operators. The purpose of the exercise was to ascertain the procedures and practices applied throughout the industry during the course of employment with various employers. Drivers were called from the following companies:

- J J Richards & Sons Pty Ltd
- Pacific Waste Management Pty Ltd
- Cleanaway Commercial & Industrial Waste Service.

From the evidence, it appeared that the most common form of training for drivers was 'on the job' training, that is, they worked with an experienced driver for a short period of time until gaining sufficient knowledge to perform the task themselves. It appeared that in recent years, a more structured form of training was emerging and that the licensing system for transport of dangerous goods had contributed to

this. The liquid wastes collected were similar to those collected by Transpacific with the main volume being grease trap waste, oily wastes and on some other occasions, the more hazardous wastes, such as arsenic, acids, resins and caustic wastes.

One driver stated that the practice of disposing of part of the water content of grease trap waste to sewer was used by him. The others who were called denied this practice, except for one who said that he occasionally skimmed the grease trap to remove the surface grease when his truck was fully loaded. A driver also spoke of the residue from cleaning trucks containing poisons and other materials being taken to the Nudgee tip in the past, but now being taken to Willawong site. All drivers were familiar with the BCC five and three docket system. Four of the drivers said that based on conversation with drivers of Zappaway, they had heard that grease trap waste was pumped into the sewer system and some said that, when the company had collected more grease trap than their plants could handle, it was disposed of down the sewers. Most of the drivers had delivered to both the Marsden and Murarrie plant. Some indicated that they were never questioned by plant operators about the type of waste that was delivered, whereas other drivers stated that, at the Murarrie plant, a sample was taken from each load and they were questioned about the contents of the load.

Operators of smaller businesses were also questioned. All denied improperly disposing of liquid waste but most had suspicions about other persons carrying out improper processes. Most transporters in Shires removed from Brisbane had access to a Council dump site with minimal fees for the discharge of grease trap waste.

CHAPTER 4 - SUPPLEMENTARY INVESTIGATIONS

ACE WASTE

In the later stages of the investigation, information came to this Commission concerning allegations against Ace Waste Pty Ltd (Ace) and Hunter Bros (Qld) Pty Ltd (Hunter Bros). The allegations were that these two companies were co-operating to improperly dispose of liquid waste, in particular, the wash out of bio-medical bins.

Ace is a waste disposal company with premises at Ritchie Road, Willawong. It was incorporated in September 1987. The company shares a number of common Directors with Hunter Bros and was formed as an initiative of Hunter Bros to collect and incinerate waste, particularly bio-medical waste which is the material contaminated with blood and other matter coming, for example, from hospitals, and pathologists

As a consequence of the collection and incineration of bio-medical waste, Ace generates a substantial quantity of liquid wastes. The company commenced operations in 1988. The liquid waste then generated was bin wash which was produced as a result of cleaning bins used to collect and transport the bio-medical waste. The evidence disclosed that initially these bins were manually cleaned and the liquid from washing the bins would fall onto a concrete apron where it would run to a gravel drain which led towards a creek. When the company won further contracts two underground tanks were installed and some of the water would continue to fall on the apron and be dispersed that way whilst the balance was ultimately collected in the underground tanks. The site is not sewered.

After about 18 months an automatic washing system was installed which generated more bin wash (approximately 6,000-8,000 litres per day) and most of this was said to find its way to the underground tanks.

As it happened, the premises of Ace were across the road from a sanitary depot owned by the Council but operated by Hunter Bros. The depot was permitted to be used for the disposal of night-soil and dead animals. Hunter Bros had tendered for this contract which gave them the business of removal, transport and disposal of the night-soil and dead animals. They held the contract for ten years from July 1984.

The BCC did not have any officers stationed at that sanitary depot, but inspections were carried out on a weekly basis by an Environmental Health Officer, Mr J Flynn. Flynn said in evidence that he had never authorised Hunter Bros to allow disposal of any type of liquid waste, other than that which was in the contract with Hunter Bros at the sanitary depot and that he had not heard of any other waste

being disposed of there. However, the evidence established quite clearly that the liquid waste from the storage bins at Ace was taken across the road into the sanitary depot and disposed of.

An alternate site used for disposal was also said to be a truck wash area at the premises operated by Hunter Bros at Goodenham Road, Willawong where there was a diversion valve which gave access to the sewers. Again, the terms of the permit for use by Hunter Bros specifically limited the material to discharge through this diversion valve to the truck wash.

It appeared that the volume of bin wash generated by the company was in the order of 7,000 litres per day. In December 1993, Ace commissioned a new incinerator which resulted in the production of a further 12,000 or 14,000 litres of liquid waste as scrubber wash which was a different material which included the residue of the material burnt and also perhaps contained heavy metals and other material.

Whilst there were some inconsistencies between the evidence of persons in management positions in Ace and Hunter Bros, the issues were significantly resolved at the hearing. Evidence was taken from Mr J R Homewood, the General Manager and Director of Ace. He was asked about the transportation of the bin wash from the Ace incineration site to the diversion valve in the truck wash area of Hunter Bros, some three kilometres away. He said he spoke to a BCC Trade Waste Officer, whom he could not recall. Counsel Assisting asked:

Now, what happened?---Well, I indicated to them we'd be starting an operation - an incineration business - out on the Ritchie Road site; we would have a certain amount of liquid waste which would primarily be bin wash waste, and it was my understanding that material like that is certainly acceptable to sewer, and would the Council have any difficulty if it was brought to the diversion valve? And since we'd be using the Hunter Bros truck to conduct that service, would the Council have any difficulty?

Are you serious? You had gone to the problem of applying for a permit - - -?
---Mm.

- - - for truck wash, as it is called; you got a permit for that?---Mm.

And you believed that just talking to a Council Trade Waste Officer, without any formal variation of the permit, permitted you then to put a different kind of material - the truck wash - down that diversion valve?---Well, I'm saying I raised the issue with them.

Yes?---If they had seen any difficulty they no doubt would have got me to put in the necessary forms to vary the application, I would have thought.

No, but what you are really suggesting is that they - they, in effect, varied the permit orally. Whoever it was, he said to you: 'No, there is no difficulty. It does not matter what your permit says, whether it includes bin wash waste or not, you can go ahead and use it for bin wash waste'. That is what the fellow told you?--- Mm, that's right, yes.

Is that right?---Essentially, yes.

And I am just suggesting to you that if you have had any dealings with the Brisbane City Council, or any government department that issues permits - - -?
---Mm.

- - - that you cannot really be serious when you say that you took that statement to be a permission to vary a permit that had been applied for in writing and issued in writing?---Well, I - I suggested that's what we'd be doing with it and I wasn't - I wasn't checked in relation to that, so I presumed it was permitted.

I see?---Mm.

Now, you have since discovered, I take it, that, in fact, it never went to that diversion valve anyway, have you?---Well, I haven't fully discovered that, no. I'm led to believe that that may have been the case, but - - -

Mr Mathie is under you, he is the manager there?---He is the operations manager, yes.

And you have never asked him where he took the material?---Well, I've said I never had a discussion with Mr Mathie in relation - I mean, I knew that septic tank waste went over the road, bin wash waste, to my understanding, went to the other place. I didn't get into a debate about which was what in the truck.

No, but you know that it has been more recently contended that, in fact, the material went over the road and was put into the trenches?---Mm, well that's my understanding now, yes, that's right.

Did you ask Mr Mathie whether that was the case or not?---What, now or then?

Now. Have you asked him in the last couple of months?---I've asked him now, yes. Yes, I've asked him now, yes.

And he said: 'Yes'. He said: 'I've always taken it across to the trenches', is that right?---That's right. That's right, yes, yes, yes.

When was it that you asked him that?---It would have been in the - I couldn't put a date on it, but it's been in the last couple of months, I suppose.

Last couple of months?---Month, I suppose, as a result of this issue.

He went on to give further evidence:

So, it followed therefore that if it was being - the material was being taken from the Ace Waste site to the Hunter Bros premises at Boundary Road, Mr Mathie was driving every day some six kilometres along a public road in an unregistered vehicle?---Yes. Well - - -

Did that not cross your mind that it would be a good idea to comply with the law and make certain that he did not drive an unregistered vehicle on a public road?
---Well, it did not at the time, but - no, it didn't.

Of course, on the other hand, if he was merely driving it across the road he was only going for a very short distance just across the road in an unregistered vehicle, was not he?---That would have been right. Yes.

I mean, it is still unlawful but not - - -?---Not as unlawful; that's right.

Not nearly as attendant with bad consequences as driving it to Boundary Road?
---Sure. Sure.

That never crossed your mind though?---It didn't at the time. No.

The Mr Mathie mentioned by Homewood was the Operation Manager of Ace and gave evidence that Hunter Bros ceased to collect the waste from Ace in 1992 and that from that time until late 1993, Mathie collected and transported the liquid waste generated in a disused, unregistered Hunter Bros truck and disposed of that waste at the sanitary depot operated by Hunter Bros across the road. He indicated that he was transporting approximately 4,000 litres of waste to the sanitary depot every two days. Other drivers, namely N Matheson and a former driver, R Ham, said that all liquid waste collected from Ace from the time the company commenced operations until 1992 was disposed of at the sanitary depot. Matheson said that he did this at the instruction of Homewood. Homewood denied that.

There was clear evidence from the BCC that the liquid waste generated by Ace was not approved for disposal to either the diversion sewer valve at Hunter Bros or through the sanitary depot and was contrary to the Council permits issued for either site.

The material disposed of was mainly soapy water contaminated by residue of bodily fluids that had escaped from the containers which had been placed in the bio-medical waste transfer bins. One issue of concern raised was that the placing of large volumes of water in trenches, such as used at the sanitary depot might transport material from the site and contaminate ground water in other areas. There was no conclusive evidence raised concerning that issue.

Neither Ace nor Hunter Bros forwarded a submission to me although they were offered in writing the opportunity to do so.

INCIDENT - NUDGEY TRANSFER STATION

Whilst the hearings were proceeding, a number of incidents occurred at the Nudgey Recycling and Transfer Station. This station forms part of the total waste collection and disposal system in the city of Brisbane. This transfer station opened in October 1993. Refuse is brought to the transfer station and disposed of in a pit in the middle of a large building. This refuse comes from both commercial operators and members of the public. The refuse is broken up by a compactor and reduced in volume and then transferred to the Brisbane landfill site at Rochedale.

Small quantities of liquid waste can be taken to the Nudgey Transfer Station where it is placed in separate storage areas for subsequent disposal by the BCC Scientific Services Branch personnel.

On Tuesday, 5 April 1994 staff on site at the disposal area detected smoke coming from refuse in the pit. Because of prior experience involving similar incidents, emergency services were contacted and attended; the transfer station building was evacuated and the site closed to all but emergency service vehicles. Personnel wearing personal protective equipment including breathing apparatus then located two satchels containing magnesium phosphide. These were neutralised by immersion in water. After a further search, two more satchels were recovered. The transfer station remained closed for over five hours. This was the fifth known incident where satchels of that chemical had been disposed of through that particular transfer station.

On the first occasion, staff working in the area were not aware of the danger of the chemical and the satchels were removed by an employee using a shovel. Since the chemical has been identified, appropriate emergency response procedures have been followed on detection.

Mr M Dreyer, a scientific advisor with the Chemical Hazard and Emergency Management Unit of Queensland Emergency Services gave evidence. He had been called to some of these incidents. He indicated that the satchels contained chemicals which produced phosphine which is used in the management of weevils in grain storage areas. He was of the opinion that the satchels were probably disposed of to an industrial bin and when they were exposed to the moisture at the transfer station, a reaction occurred omitting the phosphine gas. The transfer station sprays the area with a mist of water to keep down dust.

Dreyer indicated that phosphine has the potential, in sufficient concentration, to cause permanent disability or death. It also may spontaneously combust on contact with moisture and several grain silo fires have been attributed to this reaction in New South Wales.

Subsequently to the taking of evidence in this matter, a further large quantity of these satchels was disposed of at the same transfer station.

Mr Dunlop, Field Supervisor at the transfer station also supplied a sworn statement. He had been present during some of these episodes and was of the view that there is a constant danger to staff on site and to the general public from dangerous or hazardous wastes improperly disposed through these sites and public awareness of the dangers that may be caused by inappropriate waste disposal is essential for the safe handling of waste.

Mr Basnett made the point that the BCC was attempting to identify the most appropriate way of informing the public without going into a scare campaign and frightening people away from the transfer stations.

Whilst these episodes quite fortunately did not result in harm to any individual, they provided a timely example of five occasions during the course of these hearings when a potentially fatal chemical was improperly disposed of resulting in the risk of injury through poisoning or fire.

SURVEY OF GENERATORS

In an effort to gather further information for the investigation and in the hope of identifying if a particular business had developed a practice of collecting hazardous waste and improperly disposing of it, it was determined that a survey of a sample of generators of liquid waste should be conducted. The generators were asked to identify the types and volumes of waste they generated and the transporters employed to remove it or their other methods of disposal, amongst providing other information. It was thought that if one particular transporter appeared to regularly collect hazardous waste and no records could be obtained from Councils to indicate the disposal of that waste, productive lines of inquiry could then be explored.

To that end, the Commission obtained details of all work places in South-East Queensland matching a series of Australian Standard Industrial classification codes which were chosen based on the expectation that the type of work place described by the code, would most likely produce a hazardous form of liquid waste. The information provided to the Commission was on 15,050 work places.

In December 1993, a combination of Letters of Request and Notices to Produce information were issued to 281 work places chosen on the basis stated above. The Notices were served by mail; five were returned unclaimed. By the time evidence was led of this matter, eight others had not returned replies to the Commission. Information was supplied to the Commission by 268 generators of waste. The original questionnaire was designed for statistical analysis with the assistance of the Research and Co-ordination Division of the Commission. The information was input and analysed to provide useable information to the investigation. It was then supplied to Dr W Razzell of BCC Scientific Services Branch for his comments concerning the information supplied by the generators about the waste they said they generated and the methods of disposal to see if these were feasible accounts.

In the result, there was no detection of a particular transporter who appeared to have monopolised the disposal of hazardous waste in a questionable way. One of the main reasons for this may be that most Councils outside Brisbane did not control, in any adequate way, the dumping of liquid waste so that there was no apparent reason to set up a scheme to further avoid the Councils. Many generators of waste appeared to misconceive the materials they were dealing with and used unusual methods of disposal, such as soaking up hazardous materials with rags and disposing of them in industrial bins, or tipping them down the drain. A number of generators, particularly of larger amounts, had their own facilities for neutralising the waste.

Razzell gave evidence of the comparison of figures to receipts at Willawong and of those which had access to Willawong was able to trace all but one to Willawong. This one may have an innocent explanation. Further, because tests were carried out at Willawong on the materials delivered, he was able to say that the description provided by a number of generators showed that the Willawong plant seemed to have better records of waste sent by generators than the generators themselves both in relation to volumes and kinds of waste. In general terms, there was reasonable agreement between the Willawong records and the questionnaire information.

Razzell also advised the amount of hazardous waste delivered for treatment at Willawong had increased significantly in the last six months. He said that while the hearings may have made people nervous, the changes of that nature were not unusual following a recovery of commercial activity and there may be a number of factors which can cause such a change.

CHAPTER 5 - PRESENT LAWS CONCERNING LIQUID WASTE DISPOSAL

The primary jurisdiction of a legislature is often said to revolve around its ability to make laws for the peace, order and good government of its society. Laws which have an environmental aspect to them have a long history having evolved from the requirement to protect human health, water supplies and grazing and crop lands from the varied activities of the members of society.

Environmental disasters such as Minamata, Bhopal, Chernobyl, the Exxon Valdez, dramatically demonstrate the harm to persons and the environment when hazardous substances which are so much a part of the modern way of life are not adequately controlled.

The Queensland legislation which existed during the period of the current hearings and which directly related to liquid waste was:

- *Health Act 1937* and the *Refuse Management Regulations 1983* established thereunder
- *Sewerage and Water Supply Act 1949* and the *Standard Sewerage By-laws* established thereunder
- *Clean Waters Act 1971*
- *Litter Act 1971*
- *Carriage of Dangerous Goods By Road Act 1984*
- *Contaminated Land Act 1991*

There are other Acts which apply to the marine environment, such as the *Pollution of Waters by Oil Act 1973* and the *Marine (Sea Dumping) Act 1985*.

Further, there are a variety of provisions scattered throughout numerous pieces of legislation often administered by diverse Government Departments and instrumentalities which may arise for consideration in a particular situation. Appendix 3 contains a table of legislation compiled by the Public Service Management Commission for a report on the management and control of hazardous substances. That table summarises the effect of 63 Acts, Regulations and By-laws relating to hazardous substances administered by eight Queensland Government Departments. That table addresses the legislation relating to all hazardous substances. It helps place the issue of liquid waste disposal in relationship to the wider picture of the control of hazardous substances.

HEALTH ACT 1937

The *Health Act 1937* and *Refuse Management Regulations 1983* which were administered by Health provide the framework for the management of waste in Queensland. They impose a duty on Local Authorities to undertake day to day refuse management activities.

REFUSE MANAGEMENT REGULATIONS 1983

The *Refuse Management Regulations* deal with the day to day aspects of transport and disposal of refuse. They do not define the word "refuse", but provide a number of other definitions such as commercial refuse, domestic refuse, garden refuse, industrial refuse, recyclable bio-degradable refuse and in the body of the Regulations further describe industrial refuse in terms of dry, liquescent, hazardous, putrescible and objectionable industrial refuse.

The Regulations provide that refuse can only be disposed of at a place after the Director-General of Health has authorised that place and it is also approved by a Local Authority. There is a prohibition on disposal of refuse in places other than approved refuse tips, etc. This combines with the *Litter Act* which prohibits the disposal of rubbish in public places to effectively control the point of disposal of all refuse.

The Regulations state that Local Authorities shall make adequate provision for the safe and efficient disposal of all hazardous, putrescible, objectionable or liquescent industrial refuse delivered to a refuse tip.

On 13 July 1989, Part 4(A) of the Regulations was inserted and these dealt with the storage, removal and conveyance of recyclable bio-degradable refuse. It is appropriate to quote the definition of this form of refuse.

"Recyclable Bio-degradable Refuse" means any interceptor waste which is or is intended to be removed from a grease interceptor and conveyed to a place for processing into a non-toxic, non-hazardous and usable substance for sale.

As with other refuse, it was provided that Local Authorities had first to obtain the approval of the Director-General before operating or granting approval for the operation of a place for processing recyclable bio-degradable refuse. By Regulation 22(C)(D), a person engaged in the removal and conveyance of recyclable bio-degradable refuse was prohibited from depositing such refuse at any place other than an approved place for processing.

Certain ambiguities arise from the definition of recyclable bio-degradable refuse. The definition introduces an element of intention of some person by saying it means any interceptor waste which is or is intended to be removed from a grease interceptor. There are inherent problems in incorporating in a definition of a substance a reference to the intention of persons who may have a use for it. This is particularly so if one wishes to mount a prosecution for some improper use of the substance. Secondly, the question of whether something is refuse is not straightforward. A substance that somebody intends to use for processing to another product, may not be regarded as refuse by the person using it as a raw material, but may be refuse to the person who has earlier processed it. For example, off-cuts of a material used in manufacturing a product may be reprocessed to produce packing or other material which has a commercial value. Those off-cuts would not necessarily be regarded as refuse by the second manufacturer but may be rubbish to the first.

While grease trap waste was generally regarded as refuse by the community, a processor of that waste would see it as a raw material and not refuse.

In fact, a dispute arose between various Councils and Health as to whether grease trap waste was refuse and required the approval of the Director-General before being dealt with or was totally outside the ambit of the *Refuse Management Regulations* because there was an intention to use it as a raw material.

If the Department which had put in place the legislation which was the subject of the dispute could not agree with Authorities who were to enforce it, it was understandable that processors and liquid waste transport companies might be left in a state of doubt concerning the application of legislation to the material that they dealt with. It must also be remembered that these amendments to the regulations were specifically directed at permitting the recycling plant at Marsden operated by Transpacific. It is interesting to note that the other plant which was to produce tallow at Murarrie existed prior to this time and no amendment to the Regulations had been made.

The maximum penalty for a breach of the Regulation was, until 1989, a fine of \$400. It is now \$2,400.

STANDARD SEWERAGE BY-LAWS

The *Standard Sewerage By-laws* administered by the Department of Primary Industries set out a scheme in relation to liquids disposed of to the sewers. By-law 35 provides that the owner of a premise shall not discharge trade wastes to a sewer unless he is the holder of a permit from the Local Authority and complies with such permit. The By-law then provides for an application to the Local

Authorities including details of the nature, quantity and rate of discharge of each trade waste and proposed method of treatment of the waste before it enters the sewer. Trade wastes are defined in the By-laws as:

The waste from any industry, business, trade or manufacturing premises other than domestic sewerage.

This definition differs from those for trade waste in the *Clean Waters Act* and industrial refuse in the *Refuse Management Regulations*.

Local Authorities are permitted to charge permit holders a fee for the waste they discharge to sewer and Local Authorities may establish trade waste policies which specify the characteristics of trade waste which are permitted discharges to sewer. The maximum penalty for a breach of the By-Laws is a fine of 40 penalty units i.e. \$2,400.

CLEAN WATERS ACT 1971

The *Clean Waters Act 1971* administered by DEH is designed to preserve and restore the quality of water in Queensland. The legislation binds the Crown, Local Authorities and industries. However, it provides for existing agreements for waste discharges under the *Health Act* to remain in force, discharges complying with Mining Legislation are exempt and it does not over-ride the *Pollution of Waters by Oil Act* which is controlled by Queensland Transport (Harbours and Marine).

This legislation fills a gap and respects other Departments' areas of responsibility but adds to the legislative maze confronting the public.

Section 23 of the Act provides that it is an offence to discharge waste from any premises, either directly or indirectly without licence and by section 24 provides for licences to discharge waste from any premises to any waters. By section 31, there is an obligation on occupiers of premises to conduct their trade or industry in such a manner as to avoid discharge into any waters or otherwise avoid water pollution which may result. The Minister may take action in the Supreme Court to restrain the occupier from discharging wastes or storing, treating or disposing of wastes which are likely to create water pollution. The penalties for the most serious of these offences are \$10,000 for a first offence, \$20,000 for a second or subsequent offence and prosecutions may proceed personally against managers or members of the governing body of a corporation.

THE CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1984

This Act, which is administered by the Department of Transport, does not apply to the carriage of radioactive substances, explosives or various gases in some circumstances. It incorporates a code prepared by the Federal Office of Road Safety and relates to goods prescribed by the Code or by regulation to be dangerous goods. It provides that licences for the carriage of dangerous goods can be issued to persons and the goods shall be carried in vehicles of a suitable type and construction.

By section 25, a person who suffers loss or damage as a result of the escape of dangerous goods from a vehicle may recover the amount of the loss or damage from the person who contravened the Act. This supplements and does not replace other rights.

It may apply to some liquid wastes but not to grease trap waste.

The maximum penalty for a corporation is \$50,000 and \$10,000 and/or 12 months imprisonment for persons. It further imposes a liability on employers for the offences by their employees.

THE CONTAMINATED LAND ACT 1991

This Act is administered by DEH. It applies to all land except that already subject to the *Radioactive Substances Act 1958*, the *Mineral Resources Act 1989* or the *Petroleum Act 1923*. The definition of waste includes liquids and in essence deals with any substance that is capable of causing land contamination. It makes it an offence to contaminate land, to dispose of contaminated soil or other hazardous substance at a place other than an approved place. It also imposes an obligation on owners and occupiers who cause or permit land contamination to notify the Department of such and also requires such persons to notify of land contaminated before the commencement of the Act. This obligation extends to local authorities, government departments and statutory authorities. A register of contaminate sites is established under the Act and the Director has power to cause the remediation of contaminated land. The maximum penalty is 1000 penalty units (\$60,000).

THE ENVIRONMENTAL PROTECTION BILL 1994

If passed, this legislation is to be administered by DEH. It replaces the *Clean Waters Act 1971*, the *Litter Act 1971*, the *State Environment Act 1988*, and other legislation not related to liquid wastes. The Bill makes no attempt to centralise Queensland's environmental bureaucracy which will remain spread over several

government departments but will be overseen and audited by DEH. The Bill also permits the devolution of responsibility to local government and the delegation and sub-delegation of powers. It provides that the local government may be given power to administer and enforce the Act other than the development of environmental protection policies. If the local authority does not carry out its devolved responsibilities, the State government may do so and charge the costs to the local government.

The Bill also describes a three tier licence system which by compliance with best environmental management practices may result in reduced licence fees and business may become eligible for government assistance as well as being subject to infrequent inspections. Conditions of licences will be publicly available.

Environmental offences are created which range from those causing serious environmental harm, those causing material environmental harm and those causing environmental nuisance. The maximum penalty for wilfully causing serious environmental harm is 4,165 penalty units or imprisonment for five years for an individual, i.e. a fine of \$249,900. The fine for corporations exceeds \$1,000,000. There is also provision for recovery of costs of the investigation, compensation and rehabilitation costs. The Bill enables prosecution for an offence caused outside of State boundaries which has an effect in Queensland and also binds the State and as far as possible the Commonwealth and other States.

It provides for environmental protection policies as subordinate legislation to create standards and criteria for particular environmental problems. These policies are to be developed with public consultation and are to be reviewed every seven years.

The Bill also places a duty on persons to take measures to minimise or prevent environmental harm and to report serious or material environmental harm. Consultants and employees have an obligation to notify the chief executive of their company of environmental harm and the chief executive has a duty to inform the authorities of such harm.

Environmental management programs are also provided for in the Bill. The program is to indicate performance proposed by the business and must be approved by the administering authority. Environmental management programs will be publicly available and legally enforceable. A company may avoid prosecution by undertaking to present an environmental management program to address a problem.

A third party provision exists allowing persons to take court action regardless of financial interest or personal damage upon certain preconditions being met. A court may disallow a frivolous or vexatious request.

CHAPTER 6 - EVIDENCE FROM COUNCILS AND TRANSPORT DEPARTMENT

WILLAWONG AND BCC ACTION

The Willawong facility of BCC has operated as a disposal site for industrial liquid waste and nightsoil since the 1960s. The site was operated by private contractors under the control of the BCC Health Department prior to 1982.

Throughout the 1970s, the treatment processes used involved the liquids being deposited in lagoons for grease trap and bio-degradable waste. There was limited mineral oil separation for some period and hazardous wastes were discharged directly into trenches which were cut into strata of soil of variable permeability and then filled with untreated liquid waste before being back-filled with the excavated material. At this stage, there was no documentation and identification of waste entering the site. There was no segregation of the waste types, no management for the waste source and no record kept of what materials or where on the complex they were deposited. The major transporter of this waste owned 49 percent of the company operating the disposal site and private operators transported waste to the site. The operator of the site was required to appoint a supervising chemist, but it appears that the chemist appointed did not have any effective influence over the site and job turn-over was high.

In the late 1970s and early 1980s, a House of Representative Standing Committee on environment and conservation investigated hazardous chemicals across Australia. One aspect of this was a study on the storage, transport and disposal of hazardous chemical waste. Evidence was taken concerning Willawong and a report was issued in April 1982 which soundly criticised the Willawong operation. As a result a committee was set up by the Queensland Co-ordinator General's Department to address the problem, and consultants Crooks Michell Peacock and Stewart were engaged to investigate the matter. Officers of the BCC Scientific Services and Sewerage Operation Branches also undertook research into the site.

Responsibility for Willawong transferred from the BCC Health Department in 1982 to their Water Supply and Sewerage Department and the operation was put on a more scientific and sound basis. The operation of the site was taken over by the BCC at this time and a scheme was put in place where waste transporters within the Brisbane area were approved by the BCC Recreation and Health Department. The aim was to manage waste from the source and a docketing system was introduced to assist. The Council began dealing with generators of waste and set standards and conditions for transporters of waste.

The Council realised that considerable illegal dumping of waste was continuing and some prosecutions were launched. The resistance to this new control included

one example where O'Brien and another officer were pursued by a tanker and a company look out car which attempted to drive them off the road after they had been trying to observe the dumping of caustic liquids which were polluting a sizeable area of land at Queens Road, Nudgee. The first successful prosecution for dumping grease trap waste was of Brooker, the present Transport Manager of Zappaway.

The Crooks Michell Peacock Stewart report was not made public but in 1983 recommended improvements to the treatment technology in use, initiatives in waste management, including State wide administration of registration of generators, transport docketing and regular monitoring and control. Much of this was adopted by the BCC.

Willawong now has access to the Gurulmundi land fill site to dispose of stabilised wastes. This was established by way of legislation which now has Willawong accepting some wastes from other local authorities in Southern Queensland.

EVIDENCE FROM COUNCILS

The investigation led evidence before me of the practices of 60 Councils in the South-East Queensland area as I defined it for the purposes of this investigation. Officers from 17 Councils gave evidence and statements and other documents were tendered from the remaining Councils as well as a summary from Goody analysing the common issues in Council areas.

Whilst there was some variation in the evidence of the Councils, the evidence of Mr K Flanagan, the Deputy City Engineer of Toowoomba City Council is a reasonable example of the type of evidence which was very common concerning Councils' attitudes to the disposal of liquid waste. Flanagan was frank and helpful in outlining the situation at Toowoomba. He provided a statement and map of the Toowoomba city area identifying landfill and treatment plants of the Council. He indicated that there was a Trade Waste Policy which had been adopted in July 1993 from the draft Trade Waste Policy produced by the Department of Primary Industry. This replaced an earlier policy from June 1989 although he believed there had been a predecessor to that policy as well.

Flanagan said that previous Trade Waste Policies had no teeth to enforce the policy. He said:

Generators just snub their noses at us.

He saw the new policy as one which could lead to the co-operation of generators and treatment of waste in a way which would not discourage industry and which,

by waste minimisation, would reduce the cost to industry. This new policy was to be phased in over a couple of years.

He indicated that the Council could refuse to accept any refuse collected by a contractor from outside the Toowoomba area but added that to find where refuse was collected depended on the honesty of the contractor. Further, he indicated that whilst the Chief Health Surveyor had the right to ask contractors to supply details of their operations including details of customer collection frequencies, composition and volumes of waste, the surveyor had not been able to do that due to resource difficulties. The survey of generators which existed some years previously had not been kept up to date due to lack of resources. Toowoomba had a docket system in relation to monitoring the transport of the disposal of liquid waste but there was no reconciliation of those dockets because of lack of resources. The dockets were being used only to check that the grease traps had, in fact, been cleaned on a regular basis but not to check where the material was disposed of.

Flanagan was not aware of any investigation made by the Council to satisfy itself that drivers of liquid waste transport vehicles had undergone necessary training to be able to carry hazardous substances and that their trucks had the necessary equipment. Further, he was asked:

We have got information that, for example, at Willawong, many years ago a lot of things were put into trenches that has now made the ground sterile, contaminated and so forth, you have heard of that, have you?---I've have heard of that, yes.

Yes. Well, how do we know that it is not happening there?---Well, I think that oily waste - - -

At your facility?---Oily wastes are - the treatment of oily wastes at land fills into trenches into prior - prior dumped material is an acceptable method of treatment of oily waste.

Yes?---I don't if - we don't really know if there's any hazardous materials that could be put in there. You don't really - we have - we don't really test what comes in.

That is what I am really getting at, you see?---That's correct.

I mean, people could come along with things that are hazardous and are likely to contaminate the ground and so forth and because there is no test, they could get away with it, could not they?---That is correct. We would not know whether they got the whole load as oily waste or something else was put in with it. The same thing, we would know if they had decided to dispose of - of a hazardous material in, say, a four litre drum and thrown into an industrial bin; that could go straight into the land fill, also. We have - we've only got two people at the tip that actually run the show and they drive machines that push the material up.

Well, there would be a big temptation on some people to try to dump the material in your landfill rather than pay the extra cost of taking it to Willawong, for example?---That would be quite correct.

He later reiterated his comments about difficulties with resources:

There was no effort made to check whether the non-sewerable waste generators, what they are doing with their material?---No. We do get requests from people through our health services section saying 'We've got this amount of material. What can - how do we dispose of it', and our health services section has advised them that no, it is not acceptable at our landfill. It has to go to Willawong, but there is no check on how it goes to Willawong or whether it ever goes or whether it is dumped later on.

Yes. Well, it is a long way from Toowoomba to Willawong?---It certainly is.

Yes. And there are lots of places - without being too cynical there is a lot of places on the way it could be dumped, I suppose, without anybody knowing about it?---Knowing about it. That is correct. But we have not had any reports of it at all.

Yes. And, of course, you should be able to rely on the honesty of the contractors insofar as it is contractors moving it?---That's what we're relying on, is the honesty of the contractors.

But in fact if it is a person who generates it himself, and he has got some truck or some facility to move it, or you get somebody who is not a contractor whom he engages to do it, if you follow what I mean, you have got no check whatsoever in that case?---No check whatsoever.

THE JUDGE: Does the contractor who is taking toxic material to Willawong have to give you any documentation?---No.

Later he said:

Yes. And I suppose resources are always at a priority. I mean, there's always a competition as to - with limited resources to what particular endeavour you give priority?---Exactly. There's cultural centres and that sort of thing that people look at above ground rather than what goes underground.

He was also asked:

How is it that the Brisbane City Council at Willawong takes wastes from your area, from Toowoomba; do you pay them for that or not?---It's nothing to do with the Toowoomba City Council as far as I understand from our services section. It's a matter between the generator and Willawong.

So, the city council is just happy to take whatever - as you understand it, whatever waste it gets as long as it has paid for disposing of it?---We give them - no, we only accept the oily waste, grease waste, acceptable waste at our Bedford Street tip or the septic tank effluent at Wetalla. If people request to dispose of other materials, we advise them that it's not acceptable at our facilities, it has to go to Willawong. We have no checks on whether that person actually takes it to Willawong.

I see. Do you have any knowledge of the disposal of pesticides, things of that kind - things that are used particularly in farms?---I assume that it would go into our landfill. People would come in - we would have no control over drums that come into the landfill and just dump there.

I see, so that really goes back to what we are talking about before, that it could well be contaminating wastes are being put into your landfill and you do not really know?---Exactly, would not have a clue.

It was not until October 1993 that Willawong would accept waste from a Council such as Toowoomba which did not adjoin Brisbane. There seemed to be a common assumption among Councils, that because they did not want hazardous waste in their area, another Council, in particular the BCC would accept it. This was false.

Goody summarised the effect of all the information from Councils, who did not have staff called to give evidence, into a schedule tendered with one of his statements. That schedule has been enhanced by including the effect of the evidence from the Council officers called before me. The enhanced schedule is attached as Appendix 4 to this report. Further, Mr Sparks of Transpacific, their Technical Services Manager had conducted his own survey throughout Queensland and produced as an exhibit, the information he had on the policies of Councils and their facilities and that is also appended to this report as Appendix 5.

In July 1993, the Department of Primary Industries promulgated a model Trade Waste Policy which had the effect of confirming the absence of Trade Waste Policies in the great majority of Councils throughout Queensland. All this information confirmed to me the statements of Razzell and Lowe to the effect that the majority of Councils have not wished to explore the area of trade waste because that would alert them to their responsibilities and they would then have knowledge of a problem that they did not wish to face.

TRANSPORT DEPARTMENT SUPERVISION OF HAZARDOUS LIQUID WASTE

A number of drivers from Transpacific and other companies indicated that they had carried hazardous goods without appropriate licensing for themselves or for their vehicle or without any warning signs or an understanding of what to do in case of

a mishap. Mr R Walker, a Senior Adviser (Dangerous Goods) in the Department of Transport gave evidence of the practices of the Department. He advised that there are offences under the Act and regulations for using a vehicle which is not licensed to carry dangerous goods and for using an unsuitable vehicle and other offences which attract a penalty of \$10,000 for a person or \$50,000 for a corporation. There are also other offences which attract lesser fines and some for which penalty infringement notices or on the spot tickets can be issued.

Walker's evidence was directed to the difficulties of identifying liquid transport vehicles carrying hazardous substances if they do not display signs and the following exchange occurred showing the limited likelihood of detection currently existing:

I think you make clear - one of the problems that exist, unless the vehicle is carrying the dangerous sign, the appropriate dangerous signs, it will not be stopped by the enforcement people anyway because they will not know that it is supposed to be carrying dangerous goods?---If we - I guess because we are talking here liquid waste transport, that be true except one of the questions relates to weighing. Any vehicle will be stopped and weighed if the people believe there is likelihood that it will be overweight. However, in terms of dangerous goods assessment, it would not be usual to stop a liquid waste truck and look through its load and see if the driver is authorised for dangerous goods and such things if there were no external indicator that it was carrying dangerous goods.

So all I mean is if I am a driver who has not yet been licensed, have not got around to getting myself approved and doing whatever the tests are, I will be greatly tempted not to put dangerous signs up when I am transporting such a load, lest I am pulled up and exposed as an unauthorised person?---If you're working for a company that lets you loose in a tanker with a - a clientele to go and call on, that were known to have dangerous wastes, well, I think it would be a rather lax company that would do that. I suspect that these people, you know, they're in charge of a fairly expensive piece of equipment, and the people are probably very careful about their reputations. They would not want to put an unauthorised driver in charge of a vehicle that may later that week be carrying a load that would require that driver to be authorised.

Well, you have not heard of such a case?---No.

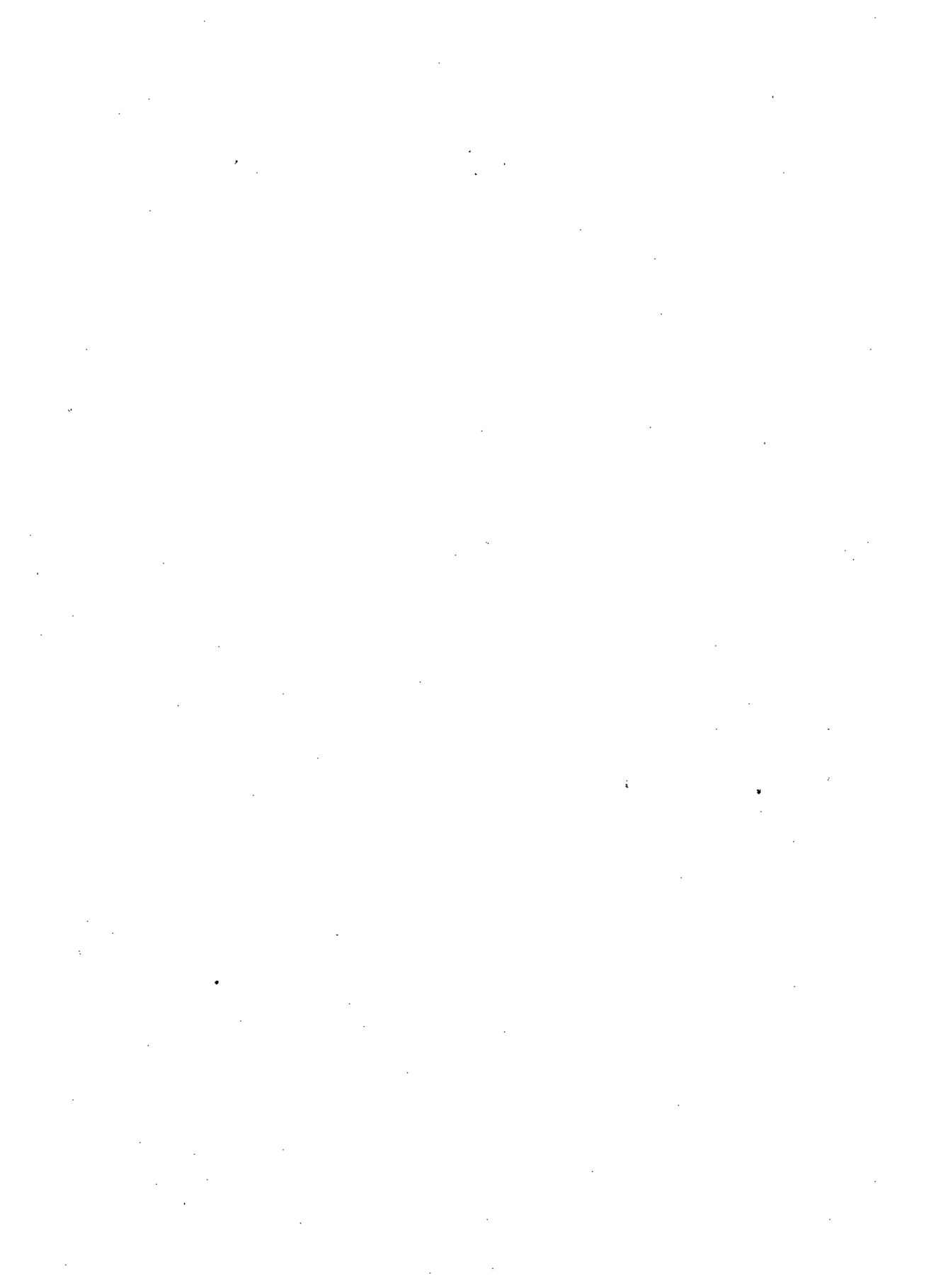
Right. Well, I mean, we have, you see. That is the reason, you see. You are relying on the integrity and all that sort of thing of the operator. That is the only basis for your statement, plus the fact that you have never heard of a case where a person has been picked up unauthorised while driving without any dangerous signs on a vehicle which is in fact transporting hazardous materials?---No, I wouldn't say that. I'm - I'm not aware of - of any such actions taking place in respect of the transport of liquid waste, which may be dangerous. I believe our enforcement people do periodically find people who are not suitably authorised for loads which

have bulk, but I don't believe that any of that would apply - sorry, I don't believe that any of the circumstances of which I've heard would apply to liquid waste.

Yes. Well, you have never heard of anybody being pulled up, driving a liquid waste vehicle, which in fact had toxic substances in it, or hazardous substance in it, but it did not carry the prescribed sign, saying that they were dangerous goods; you have never heard of such an occasion as that?---I haven't heard of that, and of course, to establish that that was happening, we would need to have some information about the load.

Yes?---The signs on the outside would be information. If they're absent, it would be quite a task, and I've dealt in my submission with the - the hazards to the safety of interception officers sampling chemicals that could be anything, if they're unknown, and we've not chosen, to my knowledge, to have our interception officers do that kind of thing.

It seems that the concept of self-regulation was relied upon in the belief that reputable businesses would not breach the law and, therefore, little other action needs to be taken to detect such a breach.



CHAPTER 7 - SOME RECENT HISTORY OF WASTE MANAGEMENT

Some evidence given to the investigation by senior officers of the DEH illustrates in a disturbing way why liquid waste collection and disposal has been for some time free from what one would regard as reasonably necessary monitoring by and attention from authority.

W J T Lane, who is the Chief Environmental Officer - Environmental Sanitation in the Health Department was appointed to his present position in 1982. He listed for the benefit of the investigation the responsibilities of his office, but was careful to point out that those responsibilities continued only until 30 April 1993:

My primary responsibilities as a Chief Environmental Health Officer until 30 April 1993 were: To overview those parts of the *Health Act* and subordinate legislation which deal with environmental sanitation and which are superintended and executed by local authorities; to assist in the development of new and amending legislation in the area of environmental sanitation; to advise the Director, Environmental Health, the Director of Public Health and the Chief Health Officer on matters relevant to environmental sanitation; to prepare authorities and approvals relevant to environmental sanitation and provided for by the *Health Act* and regulations for the signature of the Chief Health Officer or delegate; to assist in the administration of a number of public health programs such as the cholera surveillance program, malaria control in the Torres Strait, and continuous local authority mosquito control programs.

Until 30 April 1993, I had one Deputy Chief Environment Health Officer and three Environmental Health Officers under my control. These officers were responsible for the day-to-day implementation of the duties of the environmental sanitation section. Until 30 April 1993, the Environmental Health Branch of the Health Department was divided into three streams: food section, drugs and poisons section and environmental sanitation section. On 30 April 1993, the Deputy Chief Environmental Health Officer and the Environmental Health Officers of the Environmental Sanitation Section were transferred to the newly established Communicable Diseases Branch. The Food Section and the Drugs and Poisons Section remained unchanged.

Lane, in evidence, went on to refer to regionalisation of relevant departmental authorities and to the way in which Local Authorities are required by provisions of the *Health Act (1937)* and the *Refuse Management Regulations* to ensure that various refuse services are provided and carried out to the satisfaction of the Chief Health Officer of the Health Department. He went on to describe the relevant role and powers of the Chief Health Officers in these terms:

There are powers in the *Health Act* for the Chief Health Officer to act, through the Governor in Council, in the event of default by a Local Authority. These powers

were used on two or three occasions in 1984 in cases where sewerage overflows resulting from an industrial dispute posed an unacceptable risk to public health. Also, there are powers for the Chief Health Officer to act in a case of health related emergency. In my experience, the emergency powers have been used only on one occasion. On this occasion, employees of a Shire Council turned off the water supply to that Shire and an adjoining city. My recollection of this event is that the Governor in Council, by order in Council, directed the Chief Health Officer to use the emergency powers.

On a day-to-day basis, the role of the Chief Health Officer in regard to refuse management is limited to granting authorisations and approvals, for example, the authorisation of refuse disposal sites and the approval of treatment plants, refuse removal vehicles and refuse containers. In total, Queensland Health has approximately 50 officers who may be called upon from time to time to perform duties with respect to refuse management and regulation. However, a survey conducted by the Department in July/August 1993 revealed that each officer attached to the Regional Health Authorities averaged only 1.77 per cent of his or her time on refuse management work.

The majority of the 1.77 per cent of time would be spent in assessing applications by Local Authorities to use land for disposal of refuse. This activity would involve on-site inspection of proposed sites and the writing of reports and recommendations relevant to those inspections. Some time may be spent inspecting existing refuse disposal sites. Until 30 April 1993, one officer within my section was occupied full time on refuse management.

From what Lane said, it is obvious for him personally that 30 April 1993 was a very significant date. It was then that officers of his Department were transferred to the newly established Communicable Diseases Branch; but the history of waste management prior to that time, as he related it, is interesting and perhaps significant. In 1985, the government had received a report prepared by Crooks Michell Peacock and Stewart Queensland Limited, a firm of private consultants, which had been engaged by the government to investigate the status of the management of hazardous waste in Queensland. In response to the findings of that report, Cabinet in July 1987 requested the Minister for Health to prepare a report on the systematic management of hazardous waste. Cabinet subsequently and in February 1988, approved the Minister's report and also decided:

That the report be adopted as a statement of policy, that the Minister for Health be authorised to make any necessary changes to the *Health Act* and the *Refuse Management Regulations* to provide for its implementation; and an inter-departmental committee on waste management to be chaired by a nominee of the Director-General of Health and Medical Service be approved to advise the Minister for Health on any matters relating to the management of waste, including hazardous waste which the Minister might refer to the committee or which the committee considers should be brought to the Minister's attention.

Thereafter, a Waste Management Unit was established within the division of Environmental and Occupational Health. This unit conducted state wide surveys of generators of hazardous waste to establish the quantities and nature of hazardous waste being produced within the state and the whereabouts of its production.

On 24 April 1989, Cabinet authorised the Minister for Health to proceed with amendments to the *Health Act* in relation to the management of hazardous waste; in his evidence, the witness continued to set out the Cabinet decision and what followed it:

That the Minister for Health be authorised to make any necessary changes to the *Health Act* and the *Refuse Management Regulations* to provide for its implementation; that an interdepartmental committee on waste management to be chaired by a nominee of the Director-General of Health and Medical Services, not titled Chief Health Officer - be approved to advise the Minister for Health on any matters relating to the management of wastes, including hazardous wastes which the Minister might refer to the committee, or which the committee considers should be brought to the Minister's attention.

A draft bill was prepared and was received from Parliamentary Counsel on 28 September 1989. On 27 February 1990, the Minister for Health approved the preparation of a green paper relative to the management of hazardous waste. Subsequently, a green paper was issued for public comment. On 7 November 1990, the Minister for Health gave approval to proceed with the proposed amendments. On 13 February 1991, the Minister for Health agreed with a proposal by the Deputy Premier that the responsibility for waste management be reviewed by the Public Sector Management Commission.

On 2 July 1991, the machinery of government committee accepted a Public Sector Management Commission recommendation in principle that waste management responsibilities exercised by the Queensland Health Department under the *Health Act* be undertaken by the Department of Environment and Heritage.

Some time shortly after these changes, the Waste Management Unit within the Health Department was disbanded. No further action on the proposed hazardous waste legislation was taken by the Queensland Health Department after this decision was made. The transfer of responsibility to the Department of Environment and Heritage has not been finalised to date. I understand that negotiations are continuing between the two Departments on the matter of the transfer of resources.

The transfer of authority from Health to DEH following the recommendation of the Public Sector Management Committee was, on paper, completed in February 1992 but, according to Lane's evidence, the management of hazardous waste has thereafter remained in limbo. It should be acknowledged that shortly after hearing of evidence in this investigation concluded DEH issued a discussion paper on a 'Draft Waste Management Strategy for Queensland'.

It is also worth noting that the positive action which was taken by the Waste Management Unit in respect of survey of generators of hazardous waste in 1989, has now reached a stage that the result and data available from the Unit's action is, it is said, being considered.

J J Gilmore is the Executive Director, Environment in DEH and describes that Department as the lead agency for environmental management in Queensland. He produced to the investigation, material such as environmental protection policies, introductory notes of policy outlines, environmental programs evaluation reports of 1992 and 1993 and foreshadowed the release of a draft environmental protection bill in December 1993. He said of the Australian Environmental Council and that followed the establishment of that body:

The hazardous waste disposal facilities in regional Queensland are limited, with most waste being stored or, in some cases, deposited in older style municipal landfills which generally lack provision for containing hazardous waste. This will not necessarily indicate that environmental degradation will result, but the potential for environmental risk will need to be continually monitored. National issues: to address problems of disposal of hazardous waste, the then Australian Environment Council (AEC) in 1986 endorsed national guidelines for management of hazardous waste.

These guidelines provided for a comprehensive system of cradle-to-grave waste management involving a system for tracking the transport and disposal of waste, as well as controls over the generation, storage, treatment and disposal of waste.

...

A cornerstone of the AEC guidelines was the introduction of the five copy waste transport manifest. This was intended to be a national system using a common waste classification system.

Since 1986, two states, Victoria and South Australia have legislated to implement the AEC guidelines including licensing of all vehicles transporting industrial waste, the introduction of the five copy waste transport manifest and controls over all storage and disposal facilities. The increasing movement of waste between states in 1992 led Anzecc, the successor to AEC to review the national guidelines for management of hazardous waste. It was agreed that the individual systems operated by states should be nationally co-ordinated with a common classification system.

A national waste transport manifest slightly modified from the 1976 version has been developed which allows all interested parties to interstate waste transport including regulatory authorities in their state of origin and the state of disposal to be kept informed of waste movement. An Anzecc working group has been established to oversee the national system.

The lack of an integrated comprehensive approach to waste management leaves Queensland with an ad hoc approach to waste management which has led to a lack of adequate facilities for waste treatment and disposal, inadequate recording of waste production and the possibility of ongoing problems of dumping waste or illegal discharge to sewer or water courses.

However, when asked by Counsel Assisting whether he agreed with those aspects of Lane's evidence which suggested that DEH was then doing no enforcement in relation to refuse management regulations, Gilmore said that he could not answer the question because his Department had no responsibility for those regulations; but he agreed that if Health was not enforcing those regulations, then no one was doing it. He thought this had been the position for two years or even longer and was asked what was the present position:

And what is being negotiated at the moment between your Department and Health is really a transfer of resources, is it?---That's correct.

In other words, in sort of a layman's term, you want to obtain a number of positions which you say - for your Department - which you say that Health Department formerly had for the purpose of enforcing those particular regulations?---I think there are two aspects to that: (1) I might say resources do not just mean people - - -

Well, I was going to go on to something else, but I started off with that. Yes?---Yes. Resources means the ability to prepare guidelines policies, to have vehicles, to have officers, to have computers, etcetera. Both the Department Minister - the Environment and Heritage Department and the Director-General of the Department do not propose to accept responsibility for waste management unless there is adequate resourcing to take that responsibility, because the Department of Environment and Heritage believes it has a proper role in waste management. To do that requires a significant increase in resources on what is available currently within the Department of Health. We are currently preparing a submission for government, which will be a joint submission between our Department and the Department of Health for that, including the Ministers, to seek adequate resourcing for the proper management of waste in Queensland.

All right. So what you are - I am sorry - - -?---That's - - -

So what your Department is saying, that in fact it needs - to take on the new responsibility, which it never previously had, it needs increased resources, which are staff, vehicles, equipment, whatever. These new resources must be given to the Department so that it can carry out the responsibilities which the PSMC - is it?---Yes.

Recommended should go to the Department; is that right?---Well, I'm not sure if 'must' is the right word.

Yes. But - - -?---We believe that those resources are required . . .

So apparently Health have taken the point of view that it has got no responsibility for the management of hazardous waste; the responsibility is passed to you. You are say, "Well, yes, but we cannot undertake to carry out that responsibility until we get some resources, preferably from Health because they should have had the resources if they were doing it before. But if we cannot get it from Health, well, we will need it from somewhere else"?---I think that's partly correct. The situation is - is that we have been concerned in the Department of Environment and Heritage about waste management for some time. This has led to the development in the broader context of environmental protection legislation which will cover waste per se as a - waste is one element of - in the environmental debate, and which - that has been our major direction for a number of years in public consultation, and I might say now that there has been released for public consultation a draft Environmental Protection Bill, which is now out for public comment.

When did that come out?---That came out in early November.

On the aspects with which I have been dealing, I think it fair to say that Gilmore's evidence corroborated what was said by Lane and one is left with the conclusion that after the transfer of responsibility from Health to Environment and Heritage in February 1992, many words have been said and written, but little has been done in the field to oversee or monitor the generation and disposal of liquid waste. Gilmore agrees that there has been a lack of interest displayed in waste management and thinks that this has been so because there has been a lack of an integrated, comprehensive approach to it and of any adequate recording of waste production and disposal. It is but fair to say that the BCC tried to play a much more interested role in such management by the introduction of its docket system and as early as 29 May 1986, wrote to Health and forwarded draft legislation which it suggested would bring to an end the ineffectiveness which had dogged refuse management to that date. However, the efforts of the Council in that behalf were apparently not acknowledged by the Department and in effect remained without acknowledgment to the date of the investigation.

CHAPTER 8 - SUBMISSIONS TO THE HEARING

EXPERT OPINIONS

In an investigation such as the present it was natural that the opinions of experts in various fields of waste management were sought and given in the form of evidence or statements. One subject which attracted interest was the proposed Environmental Protection Bill and a number of views were presented about it because DEH had itself invited comment from people interested.

It was generally accepted that the Bill was a step in the right direction but it was not seen as going far enough to meet the increasing difficulties which disposal of waste is posing for the community and for those authorities entrusted with the unenviable task of regulation. Most witnesses would prefer to see environmental control and regulation of waste disposal as the responsibility of a statutory body, independent so far as is practicable from governmental control. Ultimately such a body would be subject to government decision, but it was submitted that an independent authority would not have continuously the hand of government on its shoulder or be subject to discretion or policy controls as would be a government department. It appears that there is such an authority in states other than Queensland and Tasmania, but Associate Professor Lowe saw as the fundamental shortcoming of the proposed Bill that regulation is left in the hands of DEH. He relied on overseas experience to argue that standards should be enforced by a separate statutory body less subject to political pressures than a Department or a Minister of the Crown.

Dr Razzell from the BCC Scientific Services Branch was the exception to this general opinion. His idea was that it did not matter which body, department or other agency had the relevant duty of regulation, provided it had the will to carry out its duty with commitment, resources, and good management, all of which he thought were necessary. Another point to which my attention was directed with some force, was that environmental protection is very much a community concern and members of the community should be heard even in the court room as prosecutors if breaches of the relevant legislation occur or are feared. In other words the right to take action either criminal or civil should not be restricted to departmental officers. At the time of writing this, I understand that Government proposals in this behalf are to accept (with some safeguards against frivolous or vexatious proceedings) the principle involved. I content myself with saying, with respect, that I would have recommended that such a course be taken.

Apart from the matters already discussed, there are a number of other submissions bearing upon the probable efficiency and completeness of the Bill. Ian Allen Hodgetts the past President of the Queensland Environmental Law Association

Incorporated submitted that the objects of the Bill would not be achieved if the provisions were not enforced by legal proceedings against offenders, and he suggested that such proceedings would be helpful in the sense that if brought, meanings of ambiguous words or phrases would be better understood. He also pointed out:

Much work needs to be done on the environment protection policies to make them effective. This comment is based on the draft policy dealing with waste which was provided with the bill. This is generally vague and contains too many motherhood statements to be of practical use. The operation of the bill in relation to other legislation is confusing and could lead to problems of implementation. I am referring especially to section 13 and in particular the *Contaminated Land Act*. The bill is not to apply to a circumstance covered by the *Contaminated Land Act*.

In relation to waste management and disposal, the *Contaminated Land Act* has broad application but it does not contain the same useful principles for environmental management as the *Environmental Protection Bill* does. Some circumstances of environmental effect could escape the operation of both Acts because of this confusion. Perhaps I should give an example of that.

Hodgetts and others highlighted that too many discretions are reserved to administrative authority, and offered the opinion that the Bill as proposed does not allow development of site specific solutions to environmental problems.

Dr Razzell did suggest that objective standards are required if the Bill in present form is to become law.

Ms Joanne Bragg who is the principal solicitor at the Environmental Defenders Office Queensland submitted to the investigation a comprehensive list of recommendations, some twenty in number, to some of which I have already made reference. They were suggested in evidence by other witnesses. I do not propose to list or mention the others because what I would think are her association's ideals are represented by her recommendations, rather than practical solutions for the problems which have emerged in this investigation, and I understand that they have already been included in submissions to, and considered by, those responsible for the proposed legislation.

If one leaves aside that legislation there still remain serious questions for the future arising from the need to manage 'waste'. I say waste in inverted commas deliberately, and so go outside the confines of my investigation of 'liquid waste' because one cannot reasonably discuss the latter as if there exists a discrete problem in respect of it. It is trite to talk about the size of Queensland and in terms of volume South-East Queensland is probably the area which produces more waste than any other area of the state comparable in size. In South-East Queensland we have Willawong where, despite its suggested failings, a genuine

attempt is being made to deal appropriately with toxic or hazardous as well as other forms of waste. Nowhere in Queensland is there another 'Willawong' and opinions which should be respected suggested establishing regional centres in the State which perform the same function. It was said, and I think this was made clear from the evidence which the investigation had from local authorities as well as others, that apart from the Brisbane City Council no local authority in the State is equipped or has the means necessary to deal with the increasing problem of waste. It has certainly not been the case that delegation to local authorities of duties in respect of waste management such as has occurred under the *Health Act* and the *Refuse Management Regulations* has seen an end to the problem, particularly in respect of hazardous and toxic waste, suitable sites where establishment of necessary treatment works must be found and the works operated by the state or perhaps a combination of Local Authorities.

Whichever is the correct attitude there will also need to be backing for it by legislation of some detail. Then I think we will find that waste, which local authorities say is not occurring or is just disappearing, will surface and be subjected to appropriate treatment. As an illustration of opinions on this subject I quote a passage from the transcript of evidence of Lowe.

Well, you saw them. It is from the material that this inquiry has obtained from local authorities that - you read the summary and it would not be an unfair statement to say that local authorities in Queensland seem to be able to deny that there is any problem within their boundaries?---Yes, it seemed to me there were two things I noticed when I read through that: One was that a small but significant number of local authorities said they were not satisfied with the current system for liquid waste disposal. But, more surprisingly, most local authorities were unaware of the production of most kinds of waste within their boundaries. Now, in some cases, presumably there are many local authorities in which radioactive waste is not regularly produced. But there are types of waste such as that associated with an auto electrician or the processing of photographic materials which would be produced in almost every local authority in the state which did not appear on that catalogue of waste material. So my conclusion from that is that the local authorities are in many cases not even aware of the waste problems within their boundaries.

Yes. And as things stand at the moment, of course, there is no provision really for - apart - if you leave aside Willawong in the Brisbane area, there is no provision in Queensland for the disposal of that type of waste?---That's right. So it seems to me that the local government is not adequately equipped for the task of waste management. And I think also we ought to worry about the prospect of their being different standards when you move across a shire boundary. And I could easily imagine that a local government area might be so enthusiastic to have a new economic development, that there would be great pressure on the elected representatives and the officers of that Council to be more generous about the waste management policy. So I believe that the regulation of waste disposal ought

to be handled at the state level so that there are uniform standards across the state and that the regulation is in the hands of a body that is adequately resourced.

Some sort of integrated system is presumably being devised for treatment of waste for some fifty local authorities in South Queensland by using Willawong and Gurulmundi.

According to Hutton, Willawong is years behind other states in its treatment and technology. He said in evidence that he and the Lord Mayor had agreed on a timely closure of Willawong - its life to be limited to some three years. Razzell whilst acknowledging that in about 1980-1981 Willawong could have been described as a 'disaster' and that elsewhere there is more up to date and efficient equipment available to meet problems of waste, points to Willawong's comparative economy of function as producing an effective result. Razzell's views are the basis for my saying that there should be legislative support for a system of management and control, because the BCC which I have observed is a front runner in its efforts, has only been able to stay in front by 'a bit of bluff and bluster'.

SUBMISSION ON BEHALF OF TRANSPACIFIC INDUSTRIES

By its submission of 24 May 1994, Transpacific Industries put forward that it had co-operated with the investigation and volunteered evidence including expert evidence to assist this investigation.

It said it had been a responsible leader in the field of waste disposal which had been a largely neglected industry and one in which, in the absence of proper regulations and an appropriate regulatory body, participants have had to apply their own standards and develop their own systems and techniques.

It also submitted that if its conduct may in the past be found to have been wanting, any deficiencies should be considered in light of the matters referred to above.

Transpacific submitted that the original complaints had either not been substantiated or been shown to be grossly exaggerated, some being no more than the imaginings of morbidly suspicious minds or motivated by a combination of suspicion and vindictiveness. In particular, it was suggested that Fox was motivated by ill-will towards Zappaway and had misrepresented the position relating to his dismissal. Criticisms of Fox were also made in respect of issues dealing with allegations of favours to officers of the Logan City Council, the dumping of grease trap waste along the highway and water run off from waste oil onto roads, bushes or elsewhere. There were other issues to which critical attention of Fox was also drawn.

Transpacific said that there was no evidence of corruption of public officials or of breaches of the *Clean Air Act*, *Clean Water Act* or *Health Act and Regulations*. The company did agree that an issue arose as to the disposal of waste matter other than in an orderly way through the Marsden or Murarrie plants. They did not accept that there was acceptable evidence that there had been improper disposal of toxic or oil wastes but agreed that there was with grease trap waste.

The allegations were characterised as -

- (1) re-introduction of waste into grease traps;
- (2) the introduction of waste into the sewerage system before proper treatment; and
- (3) the disposal of such waste on public roads or wastelands.

With regard to Item 1, the re-introduction into grease traps, it was submitted that this did not occur frequently and was not countenanced by the proprietors of the company to the extent that it did occur. Further, it was submitted that there had been no adverse environmental or financial impact and that the Directors had no knowledge of the irregular disposal of waste during the period when they were Directors. With regard to the Marsden meeting, at which the threat to dismiss was alleged to have been made, the disparity between witnesses was pointed out as was the absence of similar evidence from a significant number of witnesses was identified and, further, that the alleged threat was not followed up by sackings, dumping or further threats.

With regard to the Marsden plant (allegation 2), it was said that no one had suggested the Directors encouraged or acquiesced in the provision of inappropriate samples by Higginson to Symmonds and Bristow. It was agreed that there were wide variations in the results from the Marsden plant but it was submitted that the achieving of good results from time to time is insufficient evidence upon which to base any finding that unrepresentative samples were taken and given to Symmonds and Bristow. Further, attention was drawn to the changes which are now in process at the plant. It was said that if Higginson was a party to non-representative sampling, the conclusion should be that it was Higginson alone endeavouring to impress his employer. It was pointed out that in two of the last five financial years, the company had paid significant amounts because the BOD levels were in excess of licence standards during the preceding financial year.

It was asserted that the Directors had legitimate if not always reconcilable objectives to dispose of grease and to produce a valuable by-product. The difficulty was that the technology depended upon a process of trial and error which was beset by unforeseen difficulties.

It was agreed that after July 1992, the plant at Marsden and Murarrie changed to a fat recovery process for tallow production. It was said that to look at the:

Precise terms of the permit for discharge of trade waste to sewers obtained from the Logan City Council on 26 October 1988 is unrealistic in assessing the bona fides of the party. The fact that the permit was granted in certain terms, does not impute the Directors of this party in any way.

It was pointed out that the resolutions to change direction in the plant production were clearly communicated by Higginson to the Logan City Council, twelve months before Bond gave evidence³.

It was said that it would be extremely unsafe to conclude that a misrepresentation was made by bags of fertiliser being left in the plant as an exercise in deception. It was pointed out that the company employed the best independent experts in respect of the production of by-product - Genesearch and then Bristow to undertake the survey of Genesearch. It is clear that the company expended almost \$10 million on plant and equipment for the businesses of ARR, Zappaway and True Blue since 1987. Further, the employment of qualified people such as Geoff Sparks as Technical Services Manager, Brian Higginson as Plant Manager and Fortescue, Gooch, Nutt and others was noted.

It was said that the Logan City Council had acquiesced in, if not condoned, the defacto change in conditions of the licence so far as they related to the production of valuable by-product.

With regard to septic waste, it was accepted that septic material was introduced into the plant and that this was not in accordance with the conditions of the licence. It was said that such disposal could have no adverse affect on the Logan sewerage treatment plant because that was the relevant plant to treat it. It was said that there was an unheeding maintenance of an historic entry in the Yellow Pages involving the removal of septic. Apart from this, it was said not to be solicited and the company was performing a useful service in emergency situations.

Ivan Brooker effectively accepted responsibility for the continuation of the practice and it was submitted that there was nothing to suggest that the Directors of the company had any idea whatsoever that septic waste was being deposited at the Marsden plant. The word 'special' was said not to be sinister but an historical use of the term.

³ Some time after the search warrants were executed.

It was conceded that the disposal of septic waste may have been outside the terms of the licence given by the Council, but that Brooker understood nothing of this and it was said that the practice has now ceased.

The point was made that it was significant that no grease trap owner made any complaint of impropriety or failure to perform a contract by Transpacific and, further, that no Local Authority had come forward to make such complaint. With respect to the direction to drivers, it was submitted that Brooker did not direct drivers to dump when the plant was under capacity or otherwise and neither did Peabody Sen or Jun. In fact, it was said that it was more likely than not that Peabody Jun issued a directive in writing forbidding dumping. Likewise, it was said that Jones did not direct drivers to dump.

In relation to the Marsden plant, it was said that there was myth concerning the concealed pipe and there was no logical reason for the concealment of the pipe to bypass the system as the meter was not relied on for providing the Council with figures. Also the monitor tank did not need to be bypassed to appear clean as samples could be achieved by watering down the sample itself. Further, it was pointed out that the input figures from drivers' dockets were manually added with no deduction for the greased solids taken away separately. Mr Bond of the Logan Council inspected the premises and it was said that he would see that the pipe went to the sewer and bypassed the meter. Higginson's explanation of the concealed pipe was alluded to and his rejection of any suggestion of concealment.

The issues addressed with the Murarrie plant were the alleged dumping over mounds into creek, unauthorised release of waste water to sewers overnight, dumping over the embankment and false representations about the production of tallow. It was said that there was no credible evidence to support the allegation of dumping over mounds into the creek or that Mr Higginson ordered the unauthorised release from the holding tank to the sewer without prior approval from the BCC. Further, it is said that the only material released over the embankment was fluid from the wash-down tank as opposed to overflow from the holding tanks and, further, that there is no credible or consistent evidence about the level of production of tallow at Murarrie from any Directors of the company or any other senior officer of the company.

Attention was also drawn to the question of acid dumping on the north coast, the oil spills at Narangba, Direct Kookaburra issue, the pipe on Horne's trucks and various other issues. In relation to each, it was submitted that there was either no credible evidence to establish it or the events occurred by accident or were otherwise explicable, with no impropriety.

Finally, it was said where there was any conflict between Fox's evidence and others, the evidence of others should be preferred. Likewise, with O'Connor, it was said the evidence of others should be preferred where there is any conflict. It

was submitted that with regard to dangerous goods signs, a proper system of signage was maintained and adequate signs were kept for vehicles.

The analysis of Mr Goody, the financial analyst from the CJC was addressed. It was said that the accuracy of his data entry was not checked by Transpacific and neither has it had the opportunity to reconsider whether the drivers' description of the waste set out in the transporter dockets were accurate. It was said anomalies arose from the amounts estimated by drivers to be in their trucks which were the figures included in management reports, including waste flowing through the grease trap while cleaning occurs, as well as water used in cleaning the trap. Explanations suggested for the absence of correlation between BCC dockets and transporter dockets were: the Gold Coast had not required Council dockets; records of Coombabah had not been seized by the Commission; concentrated grease trap waste taken to Marsden required a different style of docket; not all dockets may have been maintained by Transpacific or been produced to the Criminal Justice Commission. It was further said that errors had occurred in the coding of the dockets and the BCC had asked Transpacific not to forward dockets for standard sized grease traps.

In relation to matters demonstrated from the statistics of waste received at Marsden, it was observed that grease was deliberately collected at Marsden for processing at Murarrie between April 1992 and March 1993 and that the fat content delivered to Willawong, 2.6 percent over the 28 months of Goody's analysis, is within industry margins and probably on the high side.

In relation to the discrepancies between the plant diaries of Murarrie and the Council dockets, explanations were offered that Council dockets are kept at Marsden for Transpacific, not Murarrie; deliveries to Murarrie from outside Brisbane, from the Marsden plant and from the Gold Coast do not require Council dockets; and the discrepancy between the amount recorded as received and the plant diaries and the litres discharged to the Brisbane City Council can be explained by material being taken to Willawong. Additionally, the build up of waste by design meant that that build up was not discharged to sewers. Other companies using the plant would deliver less volume than the amount in their drivers' dockets as a result of their skimming loads or dumping, and also meter problems resulted in inaccurate records.

In relation to the grease received at Willawong, it was said that the analysis was invalid because of bias arising from the particular months selected coming from irregular deliveries to Willawong.

These submissions have been dealt with generally or with particularity in the course of this report.

It was also submitted on behalf of Transpacific that standard legislation with a short Act and detailed regulations should be put in force to apply to all Local Authorities. One State Government body or statutory authority such as the EPA should oversee the enforcement of the regulations. The regulations should: precisely categorise different forms of waste; introduce a registration system for generators of specific wastes; licence waste transporters and nominate standards of equipment; require disposal at approved facilities; introduce and enforce effective waste transport manifest system; require maintenance of proper records and filing of returns by transporters. Further, Local Authorities should be required to institute comprehensive waste generation and disposal surveys in the area and update such information. It was submitted that the Local Authorities adopt the 'users pay' philosophy and that the BCC send accounts directly to hazardous waste generators and not to the transporters of such wastes. Further, transporters and treatment facility operators conduct training courses as a condition of maintenance or renewal of licences.

SUBMISSIONS FROM HUTTON

Hutton, the original complainant, gave evidence and supplied a written submission. He said that the problem was wider than one or two companies being involved in avoiding legitimate disposal costs. He said investigations by the Queensland Greens suggest that there were other examples of improper disposal of liquid waste, which could not occur without the almost total breakdown of the will to enforce standards of environmental protection on the part of regulatory agencies of Local and State Government. He pointed to a number of activities which often result in serious water pollution. He said that there was a culture of non-enforcement in Local Authorities and drew attention to water quality tests commissioned by a newspaper confirming pollution from industrial sites was entering Brisbane creeks at dangerous levels.

He said that the State Government was the only authority capable of providing the regional integrated planning and some of the resourcing necessary to meet the demands of growth in the State. He drew attention to the internal study of the environment sub-program of DEH which revealed in 1992 that "routine compliance auditing in South-East Queensland is almost non-existent". He made comparison with the New South Wales Environment Protection Authority, and said its 1993 budget was \$70 million, in Queensland the budget of the Environment Division of DEH was \$13 million. The New South Wales Waste Management Budget was \$20.7 million as against \$0.9 million for Queensland. He submitted that one of the most important steps of liquid waste management was to work towards full cost pricing of goods that have as their by-product hazardous waste, so that the full environmental cost of the products are factored into its market price. He suggested there was a desperate need for Regional Waste Management

Strategies, of which liquid waste would be one component. Finally, he submitted there should be an independent environment protection authority.

OTHER SUBMISSIONS

A number of submissions was received at the Commission. Most dealt with specific issues of complaint concerning sewerage treatment works, abattoir effluent, oil spills in particular rivers or other localised pollution problems. One was received from a group named P.A.T.C.H. dissatisfied with the decision to establish the Gurulmundi Landfill Site. Matters which raised individual complaints were referred to the DEH and advice was requested concerning the action that had been or was to be taken in relation to those complaints. Some other submissions drew to the Commission's attention particular technologies for reducing pollution.

CHAPTER 9 - CONCLUSIONS AND RECOMMENDATIONS

WHETHER CRIMINAL PROCEEDINGS SHOULD BE BROUGHT AGAINST ANY PERSON

Despite the obvious misconduct of those engaged in "dumping" of liquid waste, or as witnesses sometimes called it "lightening the load" or "skimming the top", and breaches of the terms or conditions of agreements or licenses which may have been involved in, for example, the receipt by Australian Resource Recovery of septic waste, or incorrect sampling of material passing into sewer or the bypassing of treatment or measuring processes before discharge to the sewer, I do not recommend prosecution of any person.

I will refer generally to the areas suggestive of illegality but leaving aside for the moment sections of the *Criminal Code* which may have a bearing upon the subject, the only relevant statutory provisions are:

1. By-law 34 of the *Standard Sewerage By-Laws* which appear as schedule 1 to and are given authority by the Standards Sewerage and Water Supply Act 1949 - 1985 which provides:

Prohibited discharges. A person shall not discharge or cause to be discharged into house drain or sewer any of the following: ... (g) any trade waste or other polluted water not approved by the Council.

The definition of 'trade waste' is sufficiently wide to cover the contents of a grease trap.

2. Accepting that 'recyclable, bio-degradable refuse' as defined includes interceptor waste intended for the Australian Resource Recovery plants at Marsden and Murarrie, Regulation 4(22)(c) of the *Refuse Management Regulations* made under the *Health Act 1937 - 1982* provides:

A person engaged in the removal and conveyance of recyclable, bio-degradable refuses shall not - ... (b) deposit any such recyclable bio-degradable refuse at any place other than an approved place for processing.

Still confining attention to these two provisions, it is seen that:

- (a) Evidence to prove a breach at any particular time and place is not available.

- (b) The person primarily responsible in respect of either provision is the driver of the relevant vehicle and one could not or would not rely on admissions obtained at the hearings.
- (c) In respect of by-law 34, evidence is that generally another grease trap was the receptacle for dumped material. The question arises whether such grease trap is a 'house drain'.

There is no doubt that the principals relevantly carrying on the business of removal and transport of liquid waste should be considered to ascertain what possible breaches have occurred. Those persons are obviously responsible morally for what has happened. If one, at this stage, considers what might be relevant provisions of the *Criminal Code* one would look first at section 7 of the Code which makes a person who counsels or procures the commission of an offence a principal offender. Again, if one thought of prosecuting the principals of the businesses involved for breach either of the *Refuse Management Regulations* or the *Sewerage By-laws* one is faced with some of the evidentiary difficulties mentioned above. But also one would have to rely on contradictory evidence available in respect of the relevant counselling or procuring.

There are further substantive provisions of the *Criminal Code* which could be invoked but in relation to them generally, it must be conceded that evidentiary difficulties are common. Provisions of the Code to which I am referring, taken in order as they appear in the Code are:

1. Section 87 which sets out the elements of the crime of 'official corruption' considered from the two points of view; first in respect of the holder of a public office as the receiver of a benefit for doing or not doing something in the discharge of his duties and secondly, in respect of a person who gives such a benefit to the holder of a public office.

Allegations referable to this section were not substantiated by evidence.

2. Section 359 - which makes it an offence inter alia to threaten to cause detriment to another with intent to compel that other person to do an act which he is lawfully entitled to abstain from doing.
3. Section 415(b) - which makes it an offence by the one who, intending to gain the performance of services from any person, orally demands without reasonable or proper cause, the performance of services from that person with threats of detriment of any kind to be caused to that person if the demand is not complied with.

These sections are considered in the context of an alleged threat by Peabody (Jun) to his drivers that if they did not continue the improper dumping of waste, they could look for another job.

4. False pretence is defined by section 426 of the Code and pursuant to section 427 an offence is committed by a person who by any false pretence and with intent to defraud obtains from any other person money.

It might be alleged that Transpacific and its subsidiaries, along with some employees, may have falsely pretended to the generators of waste and others with whom contracts for cleaning of grease traps and disposal of waste were made that waste collected would be disposed of properly and legally and this explains the introduction of this particular question of false pretences.

5. Section 430 deals with conspiracy: it provides that any person who conspires with another by deceit or any fraudulent means to defraud the public or any person is guilty of a crime.

This section is mentioned as it might be said that there is evidence from which it could be inferred that Transpacific or one of its subsidiaries had agreed with particular servants to defraud generators (by dumping practices), the Logan Council (by fraudulent sampling or by-passing of treatment or measuring processes), the Logan Council and the BCC (by avoidance of disposal fees).

After consideration of all these sections of the Code, I reached the conclusion previously mentioned, namely, that no prosecution should be instituted for a breach of any Statute.

Evidence which was adduced before me certainly raises suspicions. If some of the evidence could be considered independently of other evidence bearing upon the respective material matters in each case which have to be proved it could form the basis for a case to be brought; but in the circumstances of this investigation, I cannot conclude that any charge which could be brought under any of the sections would be successfully proved and so result in conviction. If there is to be litigation, I think it should be left to those who think they have been defrauded to bring civil action.

I have, of course, been considering matters from a legal aspect but it should be remembered that Transpacific and its subsidiaries and the Peabodys were part of an industry which generally recognised dumping as a necessary practice and on the evidence, that practice (probably as a result of this Criminal Justice Commission investigation) has ceased except perhaps in presently undiscovered and comparatively minor instances. Another matter to which I think some practical importance may be attached, is that there should be a review of relevant statutory

provisions which, at present, are not only lacking in precision and definition, but also cast a net too small for the purposes sought to be achieved.

WAS THERE EVIDENCE OF OFFICIAL MISCONDUCT?

I believe that the evidence which I heard established that a large part of the liquid waste industry was without any adequate control in South-East Queensland. The exception to this was the system operated by the bluff of the BCC. It is clear that amendments to the law were made to permit the operation of the Marsden plant as a recycler of bio-degradable refuse. Further, it is clear that for almost five years the plant, at best, attempted to recycle only three percent of the material received and regularly received material it was not authorised to deal with, such as septic material.

None of this was detected by any official or, if so, no action was taken. It is difficult to identify any officials who had responsibility to take action. The complete divesting of responsibility for the area by Health and DEH whilst negotiations for resources continued for two years is not attributable to any individual. In fact, whilst the situation appeared to have been generated by Ministers of the Crown, Heads of Departments and Senior Bureaucrats, the only official who appeared to end up with primary responsibility for oversight of the Marsden Plant was the Logan Trade Waste Inspector, who possessed qualifications as a plumber. Whilst it is true that he did not detect the situation at that plant, I do not believe it appropriate to recommend any disciplinary action against the man at the bottom of the line of authority.

Therefore, I do not recommend disciplinary charges against any person.

RECOMMENDATIONS

The evidence as a whole left me with the impression that much of the information in this report concerning lack of control of improper dumping of liquid waste was known in principle, if not in detail, by the industry, relevant Government Departments and Local Authorities. However, with the exception of the BCC and perhaps some individuals in other positions of authority, it seems that people accepted the almost complete failure of the system instead of facing up to its deficiencies and dangers. It became the expected state of affairs. Vast quantities of liquid waste have been unaccounted for in South-East Queensland for over a decade. This was known to the authorities at all levels but, at the same time, the community was left to assume that the facade of legislation and the existence of bodies superficially charged with responsibility were in fact addressing the issue.

The unfortunate truth was that services which existed to preserve the community's health did in fact become an unknown source of risk.

During this hearing, I heard with monotonous regularity that Departments, businesses and Local Authorities were in the process of radical improvement from acknowledged inferior systems. The fact that improvements are now being made is to be commended. However, it is a matter of regret that a generation after environmental legislation first came to prominence, official action is only now being taken.

It is to be hoped that the system proposed under the new environmental protection bill meshes together better than that which now exists and will be administered with the appropriate management and will to ensure protection of the community.

An Environmental Protection Bill was introduced into Parliament on 9 September 1994 and the nature of this legislation means that activities not previously regulated or prohibited may become subject to criminal penalty. This may lead to further criminal activity to avoid the provisions of the new laws. Further, there can be expected an increase in the use of expert evidence and court orders in both criminal and civil proceedings.

The mixture of advisory and enforcement functions often carried out in the field of environmental issues may contribute to an ambivalence towards prosecution as the officials have an obligation to facilitate the development of business and may develop a tolerance towards the failings of industry. Lowe referred me to a study by Grabosky in a book *Of Manners Gentle* which spoke of the Queensland attitude towards prosecution. In 1986 Grabosky said that according to officials in Queensland, prosecution is not used unless it is obvious that the transgressor set out to flout the law and caused a significant environmental problem. This attitude would seem to decrease the chance of prosecution becoming an effective tool in securing compliance by the bulk of the industrial community. Organisational cultures need to be addressed if new statutory instruments are to be used effectively.

Prosecution for environmental offences is only one tool in a package of mechanisms to ensure compliance which should be available to officials. However, it has use in addressing inappropriate and ineffective practices and it must be recognised that potential exists for new complex penalty provisions to be ineffective if there is not regular staff training and expertise in investigation techniques and preparation of prosecutions.

If prosecution becomes a rarity, then the legislation no matter how strong in appearance, may become a facade and the community may find that it has, in fact, become a haven for polluters who are driven from other jurisdictions by a more

active attitude towards prosecution. This is true on a State basis and also a Local Authority basis.

If one business needs to deal with a multiplicity of Government Departments to work out what it is to do to comply with the appropriate procedures for the dumping of liquid waste or to avoid some other environmental offence, there may be a variety of results. Some businesses may become very adept at exploiting inappropriate and inefficient departmental practices. Because of the failure of communication which I saw occurring even within Local Authorities and between Local Authorities and Government Departments, the Authorities may become quite ineffective at controlling inappropriate behaviour. Also there may be a lack of public confidence in a system which does not appear to operate consistently and rationally and there could be difficulty for Departments and Local Authorities to review their own procedures.

People are increasingly becoming aware of their rights and responsibilities, particularly in the field of environmental protection. A central reference point would enable individuals to have access to information on the nature and extent of environmental protection laws. A centralised source of legislation and power would assist in the training of investigators by reducing the number of sources to be consulted and facilitate the carrying out of the duties imposed under the Act as the rights of the business people and the investigator would be more clearly delineated and understood. Further, it would reduce the opportunity for inconsistent terminology used in related legislation contributing to a variety of judicial interpretations and increased uncertainty with consequent expense of compliance.

Should it be thought that this is a matter of limited effect, it is telling to recall that almost without exception, the representatives of the Local Authorities called to give evidence in this investigation indicated that they rarely, if ever, had meetings between their Health section and their Sewerage sections. Problems generated in the sewers would not necessarily be referred to the section that examined the work place. Further, the delay of over two years in resolving issues flowing from the decision to pass responsibility for liquid and other waste management from Health to the DEH is another telling example of the malaise which can flow from the fragmentation of responsibility and authority and the lack of resources to manage an area of responsibility. It must be remembered that Grabosky's study was in 1986. It would seem that from 1992, the area of liquid waste received no attention because of the Government decision which placed it in limbo between the two Departments.

It is clear that the current intention is for DEH to administer this Act, rather than create an independent environmental protection body. Such decisions are policy ones for the Government, but it should also be recognised that the past has not shown any adequate regulation of the liquid waste disposal industry when it was

left to Government Departments. Such Departments are subject to diverse pressures, particularly when responsibility is given to one Department to oversee other Departments and where there are Ministers of varying seniority in charge of those Departments. It would seem that Mining and Transport are regarded as senior Ministries while Environment and Heritage is considered a junior Ministry.

The policy of the new bill is to devolve responsibility to other departments and to local authorities. The evidence before me left me with grave doubts whether local authorities, excepting the BCC, appreciated the issues and had the resources and will to address them.

I believe there is much merit in the draft Waste Management Strategy for Queensland, which was forwarded to me after the conclusion of hearings in this matter. I was minded to recommend the development of three Regions in Queensland to be managed by the State or that a group of local authorities should share the facilities and resources of a Region. This appears to have been addressed in the Strategy. There is great benefit in education of the public, particularly in respect of reducing the amount of refuse produced. I would observe, however, that the evidence led from the survey conducted by the CJC and confirmed by testimony from Razzell and others showed that many generators and transporters of liquid waste did not understand the characteristics of the material with which they dealt. Further, some may have a reason to mislead others about its characteristics. I see a benefit in ensuring that Local Authorities are included in the system of control to ensure that they play a part in eliminating fraudulent practices by generators or transporters. This is best shown at the moment by the BCC testing material and classifying it on reception at Willawong.

Without such a control mechanism, the new system may in fact lead to the development of a slightly more complex charade than that which was necessary to avoid the system currently in use.

In order to prevent wholesale dumping of liquid waste there must be well drafted laws, sufficient resources, a co-ordinated approach to management of the problem and, above all, the will to take action in protection of the long term public interest.

APPENDICES

APPENDIX 1

**DIRECTIONS FROM CHAIRMAN
AND RESOLUTION OF THE COMMISSION**

**RECORD OF DETERMINATION OF COMMISSION
UNDER SECTIONS 2.14(I) AND 2.15(f)(iv) OF THE
CRIMINAL JUSTICE ACT 1989**

I, ROBIN STANLEY O'REGAN Q.C., Chairman of the Criminal Justice Commission and constituting the Commission under Section 2.16(2)(a) of the Criminal Justice Act 1989, being of the opinion that the investigation set forth in Schedule I hereof is the investigation of organised and/or major crime and/or official misconduct, which investigation is not appropriate to be discharged or which cannot effectively be discharged by the Police Service or other agencies of the State of Queensland, hereby direct the Official Misconduct Division of the Criminal Justice Commission pursuant to Section 2.20(2)(b) to undertake such investigation on behalf of the Commission.

Dated at Brisbane this 10th day of March, 1993.



ROBIN STANLEY O'REGAN QC
Chairman

SCHEDULE 1

File: 502/06/01/066

An investigation into persons and entities engaged in the disposal of liquid waste in the Brisbane and Logan Council areas with particular reference to, but not limited to:

- (a) The improper disposal of liquid waste in ways which may constitute a breach of Section 230 of the Criminal Code (Common Nuisance) or breaches of Queensland legislation, such as the Clean Waters Act, the Health Act and Regulations or other legislation enacted to protect the welfare of persons and the environment.
- (b) A conspiracy to defraud the public contrary to Section 430 of the Criminal Code, or the systematic obtaining of money contrary to 427 by the false pretence that liquid waste would be disposed of in an authorised manner.
- (c) Possible corruption of officers of the Queensland Public Service and Local Authorities to facilitate the unauthorised disposal of liquid waste.
- (d) Possible official misconduct by holders of offices in units of public administration in connection with the unauthorised disposal of liquid waste.

**RECORD OF DETERMINATION OF COMMISSION
UNDER SECTIONS 2.14(1) AND 2.15(f)(iv) OF THE
CRIMINAL JUSTICE ACT 1989**

I, ROBIN STANLEY O'REGAN Q.C., Chairman of the Criminal Justice Commission and constituting the Commission under Section 2.16(2)(a) of the Criminal Justice Act 1989, being of the opinion that the investigation set forth in Schedule 1 hereof is the investigation of organised and/or major crime and/or official misconduct, which investigation is not appropriate to be discharged or which cannot effectively be discharged by the Police Service or other agencies of the State of Queensland, hereby direct the Official Misconduct Division of the Criminal Justice Commission pursuant to Section 2.20(2)(h) to undertake such investigation on behalf of the Commission.

Dated at Brisbane this 9th day of September 1993



ROBIN STANLEY O'REGAN QC
Chairman

SCHEDULE 1

File: 502/06/01/066

An investigation into persons and entities engaged in the disposal of liquid waste in South East Queensland with particular reference to, but not limited to:

- (a) The alleged improper disposal of liquid waste in ways which may constitute a breach of Section 230 of the Criminal Code (Common Nuisance) or breaches of Queensland legislation, such as the Clean Waters Act, the Health Act and Regulations or other legislation enacted to protect the welfare of persons and the environment.
- (b) An alleged conspiracy to defraud the public contrary to Section 430 of the Criminal Code, or the systematic obtaining of money contrary to Section 427 by the false pretence that liquid waste would be disposed of in an authorised manner.
- (c) Possible corruption of officers of the Queensland Public Service and Local Authorities to facilitate the unauthorised disposal of liquid waste.
- (d) Possible official misconduct by holders of offices in units of public administration in connection with the unauthorised disposal of liquid waste.

RESOLUTION TO THE ENGAGEMENT PURSUANT TO THE PROVISIONS OF SECTION 2.55 OF THE CRIMINAL JUSTICE ACT 1989 OF THE HONOURABLE R H MATTHEWS QC AND ASSOCIATED MATTERS

WHEREAS on the 10th day of March 1993, the Chairman of the Commission R S O'Regan QC directed the Official Misconduct Division of the Commission pursuant to section 2.20(2)(h) of the Criminal Justice Act 1989 to undertake an investigation on behalf of the Commission, namely, an investigation into persons and entities engaged in the disposal of liquid waste in the Brisbane and Logan Council areas with particular reference to, but not limited to:

- (a) The improper disposal of liquid waste in ways which may constitute a breach of section 230 of the Criminal Code (Common Nuisance) or breaches of Queensland legislation, such as Clean Waters Act, the Health Act and Regulations or other legislation enacted to protect the welfare of persons and the environment.
- (b) An conspiracy to defraud the public contrary to section 430 of the Criminal Code, or the systematic obtaining of money contrary to 427 by the false pretence that liquid waste would be disposed of in an authorised manner.
- (c) Possible corruption of officers of the Queensland Public Service and Local Authorities to facilitate the unauthorised disposal of liquid waste.
- (d) Possible official misconduct by holders of offices in units of public administration in connection with the unauthorised disposal of liquid waste.

AND WHEREAS, officers of the Commission have conducted certain investigations into these matters.

AND WHEREAS, on the 9th day of September 1993, the Chairman of the Commission R S O'Regan QC directed the Official Misconduct Division of the Commission pursuant to section 2.20(2)(h) of the Criminal Justice Act 1989 to undertake an investigation on behalf of the Commission, namely, an investigation into persons and entities engaged in the disposal of liquid waste in South East Queensland with particular reference to, but not limited to:

- (a) The alleged improper disposal of liquid waste in ways which may constitute a breach of section 230 of the Criminal Code (Common Nuisance) or breaches of Queensland legislation, such as Clean Waters Act, the Health Act and Regulations or other legislation enacted to protect the welfare of persons and the environment.
- (b) An alleged conspiracy to defraud the public contrary to section 430 of the Criminal Code, or the systematic obtaining of money contrary to section 427 by the false pretence that liquid waste would be disposed of in an authorised manner.
- (c) Possible corruption of officers of the Queensland Public Service and Local Authorities to facilitate the unauthorised disposal of liquid waste.

- (d) Possible official misconduct by holders of offices in units of public administration in connection with the unauthorised disposal of liquid waste.

The Commission has resolved pursuant to section 2.55 of the Act to engage the services of The Honourable R H Matthews QC to investigate the above matters and any related matters and report thereon to enable the Commission, the Commissioners and the officers of the Commission to discharge the function and responsibilities imposed by the Criminal Justice Act.

AND FURTHER, the Commission has resolved to engage the services of C E K Hampson QC to assist the Honourable R A Matthews QC.

AND FURTHER, the Commission has resolved that only in the event that the Honourable R H Matthews QC considers it necessary to hold public or private hearings, he be then employed pursuant to section 2.53(1) of the Act for the sole purpose of investigating the matters raised in the determinations made by the Chairman of the Commission on the 10th day of March 1993 and the 9th day of September 1993 and any related matters and reporting thereon to enable the Commission, the Commissioners and officers of the Commission to discharge the functions and responsibility imposed by the Criminal Justice Act.

Dated at Brisbane this 9th day of September 1993.

P J WESTERN
COMMISSIONER



M J KELLY
COMMISSIONER



R S O'REGAN
CHAIRMAN



L WYVILLE QC
COMMISSIONER



B FRENCH
COMMISSIONER

APPENDIX 2

PUBLIC NOTICE OF THE HEARINGS



**CRIMINAL JUSTICE COMMISSION
QUEENSLAND**

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE

HEARINGS

The Criminal Justice Commission has determined to hold public hearings to investigate the improper disposal of liquid waste.

The hearings will commence on Wednesday, 20 October 1993 at the Criminal Justice Commission offices, 557 Coronation Drive, Toowong. Counsel assisting the Commission will deliver his opening address, and applications for leave to appear and other matters will be heard.

A date, time and place will be fixed for the taking of evidence.

The hearings will be in relation to an investigation which has particular reference to, but is not limited to, the following matters:-

- a. The alleged improper disposal of liquid waste in South East Queensland in ways which may constitute a breach of Queensland legislation enacted to protect the welfare of persons and the environment.
- b. An alleged conspiracy to defraud the public or the systematic obtaining of money contrary to the provisions of the Criminal Code by the false pretence that liquid waste in South East Queensland would be disposed of in an authorised manner.
- c. Possible corruption of officers in units of public administration to facilitate the unauthorised disposal of liquid waste in South East Queensland.
- d. Possible official misconduct by holders of offices in units of public administration in connection with the unauthorised disposal of liquid waste in South East Queensland.

At the conclusion of the investigation, the Commission will report to Parliament pursuant to its responsibilities under the **Criminal Justice Act 1989**.

The Commission urges those who have information which may be of assistance, to contact **Peter Fraser** on **(07) 360 6281**.

APPENDIX 3

**SUMMARY OF HAZARDOUS SUBSTANCES
LEGISLATION AND DEPARTMENTAL
RESPONSIBILITIES
PREPARED BY
PUBLIC SECTOR MANAGEMENT COMMISSION**

Appendix D

HAZARDOUS SUBSTANCE LEGISLATION

Departmental Responsibilities - Queensland

The following summarises the legislative responsibilities of the eight Queensland Government Departments which administer 31 Acts and 33 sets of Regulations relating to hazardous substances.

| Department | Legislation |
|---|--|
| Employment, Vocational Education, Training & Industrial Relations | <i>Workplace Health and Safety Act (1989-1990)</i> <i>Workplace Health and Safety Regulations (1989) & Codes of Practice</i> |
| Environment and Heritage | <i>Clean Air Act (1963-1990)</i> <i>Clean Air Regulations (1982)</i> <i>Clean Waters Act (1971-1990)</i> <i>Clean Waters Regulations (1973)</i> <i>Contaminated Land Act (1991)</i> <i>Queensland Marine (Sea Dumping) Act (1985)</i> <i>State Environment Act (1988)</i> |
| Health | <i>Health Act (1937-1991)</i> <i>Hazardous Substances (chlorofluorocarbons and other ozone layer depleting substances) Regulations (1988)</i> <i>Hazardous Substances (Placarding) Regulations (1988)</i> <i>Paint Labelling Regulations (1973)</i> <i>Pest Control Operators Regulations (1977)</i> <i>Poisons Regulations (1973)</i> <i>Poisons (Fumigation) Regulations (1973)</i> <i>Poisons (Methyl Chloride Refrigerant) Regulations (1974)</i> <i>Refuse Management Regulations (1983)</i> <i>Radioactive Substances Act (1958-1978)</i> <i>Radioactive Substances Regulations (1961)</i> |
| Housing, Local Government & Planning | <i>Building Act (1975-1990)</i> <i>Building Regulations (1978)</i> <i>Standard Building By-Laws (1975)</i> <i>Local Government Act (1936-1991)</i> <i>Flammable and Combustible Liquids Regulations (1990)</i> <i>Local Government Town Planning Regulations (1981)</i> <i>Refuse Removal Appeal Regulations (1980)</i> <i>Local Government (Planning and Environment) Act (1990-1992)</i> <i>Local Government (Planning and Environment) Regs (1991)</i> |

| | |
|-----------------------------|---|
| Police & Emergency Services | <i>Fire Service Act (1990-1991)</i> <i>Off-site Emergency Plan Regulations (1990)</i> <i>Public Safety Preservation Act (1986)</i> <i>State Counter-Disaster Organization Act (1975)</i> |
| Primary Industries | <i>Agricultural Chem. Distribution and Control Act (1966-1983)</i> <i>Agricultural Chem. Distribution and Control Regs (1970)</i> <i>Agricultural Standards Act (1952-1981)</i> <i>Agricultural Standards Regulations (1984)</i> <i>Biological Control Act (1987)</i> <i>Chemical Usage (Agricultural & Veterinary) Control Act (1988)</i> <i>Chemical Usage Regulations (1989)</i> |
| Minerals & Energy | <i>Coal Mining Act (1925-1990)</i> <i>Explosives Act (1952-1990)</i> <i>Explosives Regulations (1955)</i> <i>Fruit Ripening Regulations (1955)</i> <i>Gas Act (1965-1990)</i> <i>Gas Regulations (1989)</i> <i>Gas (Insufficiency of Supply) Regulations (1989)</i> <i>Gas Insufficiency of Supply (1972)</i> <i>Mines Regulation Act (1964-1989)</i> <i>Metalliferous Mining Regulations (1985)</i> <i>Petroleum Act (1923-1990)</i> <i>Petroleum Regulations (Land) (1966)</i> <i>Petroleum (Submerged Lands) Act (1982)</i> |
| Transport | <i>Air Navigation Act (1937-1991)</i> <i>Carriage of Dangerous Goods by Road Act (1984-1990)</i> <i>Carriage of Dangerous Goods by Road Regulations (1989)</i> <i>Harbours Act (1955-1990)</i> <i>Pollution of Waters by Oil Act (1973-1990)</i> <i>Pollution of Waters by Oil Regulations (1988)</i> <i>Queensland Marine Act (1958-1990)</i> <i>Landing, Shipping and Transshipping of Explosives Regulations (1987)</i> <i>Marine (Dangerous Goods) Regulations (1990)</i> <i>Nuclear Powered Ship Regulations (1988)</i> <i>Sea Carriage of Goods (State) Act (1930)</i> <i>Transport Infrastructure (Railways) Act (1991)</i> |

Classified by Effect

This section classifies hazardous substance-related legislation with respect to:

- . assessment of hazardous substances;
- . emergency response;
- . the environment;
- . land use planning;
- . transport; and
- . public and worker health and safety.

| Effect | Legislation |
|--|---|
| <p>Assessment of Hazardous Substances</p> <p>These Acts impose obligations concerning the assessment of the properties of chemicals and other substances.</p> | <p><i>Agricultural Chemicals Distribution and Control Act (1966-1983)</i> <i>Agricultural Standards Act (1952-1981)</i> <i>Biological Control Act (1987)</i> <i>Chemical Usage (Ag. & Veterinary) Control Act (1988)</i> <i>Clean Air Act (1963-1990)</i> <i>Clean Waters Act (1971-1990)</i> <i>Contaminated Land Act (1991)</i> <i>Explosives Act (1952-1990)</i> <i>Health Act (1937-1991)</i> <i>Radioactive Substances Act (1958-1978)</i> <i>State Environment Act (1988)</i></p> |
| <p>Emergency Response</p> <p>These Acts establish arrangements for managing emergencies that may result from the use, storage, handling or transport of hazardous substances.</p> | <p><i>Fire Service Act (1900-1991)</i> <i>Public Safety Preservation Act (1986)</i> <i>Queensland Marine (Sea Dumping) Act (1985)</i> <i>State Counter-Disaster Organization (1975-1978)</i> <i>Workplace Health and Safety Act (1989-1990)</i></p> |
| <p>Environment</p> <p>These Acts are designed to control or prevent the intentional release of hazardous substances into the environment.</p> | <p><i>Agricultural Chem. Distribution and Control Act (1966-1983)</i> <i>Agricultural Standards Act (1952-1981)</i> <i>Biological Control Act (1987)</i> <i>Chemical Usage (Ag. & Veterinary) Control Act (1988)</i> <i>Clean Air Act (1963-1990)</i> <i>Clean Waters Act (1971-1990)</i> <i>Contaminated Land Act (1991)</i> <i>Health Act (1937-1991)</i> <i>Local Government Act (1936-1991)</i> <i>Local Gov. (Planning and Environment) Act (1990-1992)</i> <i>Public Safety Preservation Act (1986)</i> <i>Queensland Marine (Sea Dumping) Act (1985)</i> <i>State Environment Act (1988)</i></p> |
| <p>Land Use Planning</p> <p>These Acts impose land use controls on installations where hazardous substances are used, stored, handled or mined.</p> | <p><i>Building Act (1975-1990)</i> <i>Coal Mining Act (1925-1990)</i> <i>Harbours Act (1955-1990)</i> <i>Local Government Act (1936-1991)</i> <i>Local Gov. (Planning and Environment) Act (1990-1992)</i> <i>Mines Regulation Act (1964-1989)</i></p> |

| | |
|---|--|
| <p>Transport</p> <p>These Acts relate to the transportation of hazardous substances.</p> | <p><i>Air Navigation Act (1937-1991)</i> <i>Carriage of Dangerous Goods by Road Act (1984-1990)</i> <i>Clean Air Act (1963-1990)</i> <i>Clean Waters Act (1971-1990)</i> <i>Explosives Act (1952-1990)</i> <i>Harbours Act (1955-1990)</i> <i>Queensland Marine Act (1958-1990)</i> <i>Public Safety Preservation Act (1986)</i> <i>Sea Carriage of Goods (State) Act (1930)</i> <i>State Environment Act (1988)</i> <i>Transport Infrastructure (Railways) Act (1991)</i> <i>Workplace Health and Safety Act (1989-1990)</i></p> |
| <p>Public and Employee Health and Safety</p> <p>These Acts contain provisions designed to prevent and minimise the effects of accidents involving chemicals, where there is potential to harm employees, the public and the environment.</p> | <p><i>Biological Control Act (1987)</i> <i>Building Act (1975-1990)</i> <i>Chemical Usage (Ag. & Veterinary) Control Act (1988)</i> <i>Coal Mining Act (1925-1990)</i> <i>Fire Service Act (1990-1991)</i> <i>Gas Act (1965-1990)</i> <i>Harbours Act (1955-1990)</i> <i>Health Act (1937-1991)</i> <i>Local Government Act (1936-1991)</i> <i>Local Gov. (Planning and Environment) Act (1990-1992)</i> <i>Mines Regulation Act (1964-1989)</i> <i>Queensland Marine Act (1958-1990)</i> <i>Queensland Marine (Sea Dumping) Act (1985)</i> <i>Public Safety Preservation Act (1986)</i> <i>Radioactive Substances Act (1958-1978)</i> <i>Sea Carriage of Goods (State) Act (1930)</i> <i>State Counter-Disaster Act (1975-1978)</i> <i>Workplace Health and Safety Act (1989-1990)</i></p> |

Features of Queensland Legislation

Agricultural Chemicals Distribution and Control Act (1966-1983)

Agricultural Chemicals Distribution and Control Regulations (1970)

Relates to damage to stock or crops caused by spray drift of agricultural chemicals and regulates, up to the point of actual application, the aerial or ground distribution of agricultural chemicals by commercial operators. The Act does not cover persons using their own spray equipment on their property. The Act provides for:

- licensing commercial operators and their aerial or ground spray equipment used in the distribution of insecticides, fungicides, herbicides and vermin eradicators;

- appointment of inspectors with wide ranging powers of entry to property and with authority to take samples of chemicals to determine whether the appropriate chemical and correct concentration is being used; and

an avenue for compensation where stock or crops have been damaged by the aerial or ground distribution of agricultural chemicals.

Agricultural Standards Act (1952-1981)

Agricultural Standards Regulations (1984)

Prohibits the sale in Queensland of any agricultural requirement where efficacy standards are not met. Agricultural requirements include seeds, stock foods and a wide range of chemicals such as stock medicines, insecticides, fungicides, herbicides and fertilisers. Applications, to the Agricultural Requirements Board, for registration need to demonstrate efficacy and safety. At the point of sale all agricultural requirements must comply with prescribed standards. Labels referring to the composition of agricultural requirements must be true. Officers appointed under the Act are empowered to take samples for analysis and to seize defective goods and prosecute the seller.

Air Navigation Act (1937-1991)

Provides for the application, in Queensland, of the Commonwealth Air Navigation Regulations and Civil Aviation Regulations. These prohibit the carriage of dangerous goods unless authorised.

Biological Control Act (1987)

Ensures the effective investigation, control and management of biological control programs. Requires unanimous endorsement of individual programs by the Australian Agricultural Council (State and Federal primary industries or agriculture Ministers). The Council determines who is to be authorised to act as the responsible biological control authority. This role is usually undertaken by the Commonwealth but if a measure has a particular State significance, then the relevant State Minister has the power to act as the responsible biological authority.

Extensive public consultation is provided for. Upon endorsement of the proposal by the Council, the biological control authority must publish details widely in the press. If there is public disquiet, an investigation and inquiry is held into the desirability of the release of the organism.

Building Act (1975-1990)

This Act, and the Standard Building By-laws, regulate building practice throughout Queensland. The By-laws, which are deemed to be part of the by-laws of each local authority, contain elaborate provisions regarding the declaration of fire zones and the erection of buildings therein. The by-laws deal with the various types of construction of buildings, the means of egress from buildings, disposal of wastes and provisions of fire-fighting services and appliances.

Carriage of Dangerous Goods by Road Act (1984-1990)
Carriage of Dangerous Goods by Road regulations (1989)

Regulates transporting of dangerous goods in conformity with the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code). The Code, which covers classification, labelling and transporting, is maintained by the Standing National Advisory Committee on the Transport of Dangerous Goods. The Australian Code is based on a United Nations Standard. The Act also covers the labelling, licensing and insurance of vehicles used to transport dangerous goods.

Chemical Usage (Agricultural and Veterinary) Control Act (1988)
Chemical Usage Regulations (1989)

This Act is concerned with the misuse and possession of proscribed chemicals which may cause damage to human or animal life, the environment, property or trade. The Act controls the use of agricultural and veterinary chemicals (including their disposal), and the use of human and animal foodstuffs that contain chemical residues.

Clean Air Act (1963-1990)
Clean Air Regulations (1982)

Provides for the investigation and abatement of air pollution. Covers the pollution of the air by smoke, soot, dust, ash, cinders, solid particles of any kind, gases, fumes, mists as well as offensive or noxious odours produced by industrial plants. The Act sets out licensing provisions of premises and the preclusion of certain kinds of work carried out on premises, obligations of owners operating fuel burning or control equipment, the control of emissions into the atmosphere and general powers of inspectors.

Clean Waters Act (1971-1990)
Clean Waters Regulations (1973)

Aims to preserve, restore and enhance the quality of waters of Queensland. The Act is binding on the Crown, local authorities and industries. With some exceptions, a license is required to discharge wastes to any waters and to transport wastes for disposal.

The Minister is empowered to deal with causes of water pollution, to arrange for removal or dispersion of pollutants, and to prohibit waste discharges. The occupier of any premises is required to take precautions against the accidental discharge of substances capable of causing water pollution. Local authorities are required to advise the Department of Environment and Heritage of intentions to establish refuse tips.

The Act provides for existing agreements for waste discharges under the Health Act to remain in force. Discharges complying with mining legislation are exempt. The Act does not override the *Pollution of Waters by Oils Act*.

Coal Mining Act (1925-1990)

Regulates coal mines and the safety and health of persons employed in, on or about coal mines and of persons affected by the operation of coal mines. The Act also regulates the use and transportation of explosives. The Chief Inspector has absolute control over the planning, construction and operation of coal mines. The testing and certification of all equipment is required. The principal responsibility for safety rests with the statutory position of Mine Manager.

Contaminated Land Act (1991)

Facilitates management of contaminated land, and aims to prevent further contamination and protect public health and the environment. Contaminated sites must be identified in a Contaminated Sites Register. This Register is a public document. Land already controlled under the *Radioactive Substances Act (1958)*, the *Mineral Resources Act (1989)*, and the *Petroleum Act (1923)* is exempt.

Explosives Act (1952-1990)

Explosives Regulations (1955)

Fruit Ripening Regulations (1955)

Regulates the importation, exportation, manufacture, carriage, storage, sale and use of explosives. A license is required to transport explosives, except by rail which is regulated by separate by-laws.

Fire Service Act (1989-1991)

Off-Site Emergency Plan Regulations (1990)

Requires the owner of premises in which dangerous goods are stored to prepare an off-site emergency plan where there is a risk of incidents which could affect people or the environment.

Gas Act (1965-1990)

Gas Regulations (1989)

Gas (Insufficiency of Supply) Regulations (1989)

Gas Insufficiency of Supply (1972)

Regulates the supply of gases for heating, lighting, transport and other power including the business operations of gas-suppliers, prices, safety matters and the quality standards of gases. One licensing requirement is that adequate resources must be committed to safety and training, reliability of supply and technical advice to gas-consumers.

Harbours Act (1955-1990)

Deals with operations in harbours including the control of dangerous goods unloaded or awaiting shipment. Dangerous goods are defined as "goods which, by reason of their nature,

quantity or mode of storage are liable either singly or collectively, to endanger the lives of persons on or near a harbour, or to imperil any ship or property in or near a harbour. The term includes oil, explosives and any other goods which are declared by-law to be dangerous goods for the purpose of this Act".

Health Act (1937-1991)

Hazardous Substances (chlorofluorocarbons and Other Ozone Layer Depleting substances) Regulations (1988)

Hazardous Substances (Placarding) Regulations (1988)

Paint labelling Regulations (1973)

Pest Control Operators Regulations (1977)

Poisons Regulations (1973)

Poisons (Fumigation) Regulations (1973)

Poisons (Methyl Chloride Refrigerant) Regulations (1974)

Refuse Management Regulations (1983)

Two heads of power in the Act are concerned respectively with combating dangers caused to the environment and the health of the community by the distribution of agricultural chemicals and hazardous substances. Restrictions are placed on aerial or ground application of agricultural chemicals, and safety measures are required of persons handling, storing or disposing of chemicals. Measures for preventing or minimising environmental contamination, damage or personal injury occurring from chemical application or storage are prescribed. The monitoring (blood and urine samples) of persons involved in the application of agricultural chemicals is required. The regulations require records of aerial or ground application be maintained.

Pest controllers are required to be licensed and prohibited pesticides are defined. The definition of pest control operator excludes persons using pesticides for agricultural, horticultural or pastoral purposes. These are covered by the *Agricultural Chemicals Distribution Control Act* and the *Poisons Regulations*.

The *Poisons Regulations* sets out the licensing requirements for poisons including their prescription, dispensing, sale, packaging, labelling and storage requirements. Special provisions are made also for restricting the sale and use of certain poisons. The Health Act also has separate regulations for the restriction of certain other commercial substances such as methyl chloride refrigerants and chlorofluoro-carbons.

The Act also relates to health hazards arising from the use of paint, and restrictions are placed on the use of lead paint and paint containing other chemicals such as arsenic and mercury. The Act provides powers to make regulations in respect of packaging and labelling of such dangerous substances and this includes the control of dangerous substances such as household detergents, cleaners and polishes which fall outside the scope of the *Poisons Regulations*.

Local Government Act (1936-1989)***Flammable and Combustible Liquids Regulation (1990)***

These regulations cover the licensing, by Local Authorities, of premises used for storing flammable or combustible liquids. The regulations do not apply mines or sites covered by the *Petroleum (Submerged Lands) Act* and the *Petroleum Act*. A petroleum pipeline can be constructed under these regulations. For example, small-diameter pipelines over short distances, such as between a refinery and bulk storage facilities.

Local Government (Planning and Environment) Act (1990-1992)***Local Government (Planning and Environment) Regulations (1991)***

Provides for town planning and related environmental matters in Local Authority areas. The main purpose of the Act is to provide a code by which a local authority or the Minister may undertake the planning of an area to facilitate orderly development and the protection of the environment, which is defined to include natural, economic, social and cultural factors. Before a development application is lodged in respect of certain prescribed developments, an the applicant must obtain terms of reference for an environmental impact statement from the Department of Housing, Local Government and Planning, the relevant local authority and other bodies.

Prescribed developments, listed in the Schedules of the Act and regulations, include noxious and hazardous industries development as well as development in sensitive localities such as reserves and declared catchment areas.

Mines Regulation Act (1964-1989)***Metalliferous mining regulations (1985)***

Provides for the safety and health of persons employed in metalliferous mines. Coal mines are regulated by the *Coal Mining Act*. The two Acts are, however, complementary.

The Act also controls nuisance effects of vibration from blasting and disturbance through noise. It provides for monitoring of the possible health hazards of dust, fumes, radiation and water pollution. Ancillary plant and waste-disposal areas are included in the definition of a 'mine'. There is provision for rehabilitation and restoration of land surfaces disturbed by mining.

Petroleum Act (1923-1990)***Petroleum Regulations (Land) (1966)***

Regulates petroleum exploration and production and oil and gas pipelines in Queensland. The storage and use of explosives in connection with petroleum exploration and production is also covered.

Petroleum (Submerged Lands) Act (1982)

Controls petroleum operations in the territorial sea (three nautical miles) off the coast of Queensland. The Act complements Commonwealth legislation covering the exploration for and exploitation of petroleum resources on the continental shelf beyond the territorial sea.

Petroleum explorers and producers are required to operate within defined guidelines. The Act also regulates the safety, health and welfare of persons engaged in petroleum exploration and production.

Pollution of Waters by Oil Act (1973-1990)***Pollution of Waters by Oil Regulations (1988)***

The principal objective is to effect, in Queensland territorial waters, an international convention for prevention pollution of the sea by oil. The legislation prohibits discharges of oil onto a foreshore and allows recovery of costs incurred in cleaning up pollution.

Public Safety Preservation Act (1986)

Provides powers for the police to deal with emergency situations which create, or may create, danger of death, injury or distress to any person, loss of or damage to property or pollution of the environment. The provisions of the Act apply to matters which could or have occurred before the provisions of the *State Counter-Disaster Organisation Act* apply, or to matters not in the ambit of that Act.

'Emergency situations' include explosions or fires, oil or chemical spills, escapes of gas, radioactive material or flammable or combustible liquids, accidents involving aircraft, trains, vessels or vehicles, incidents involving explosive devices, firearms or other weapons.

Queensland Marine Act (1958-1990)***Landing, Shipping and Transshipping of Explosives Regulations (1987)******Marine (Dangerous Goods) Regulations (1990)******Nuclear Powered Ship Regulations (1988)***

Constitutes and defines the powers and duties of the Marine Board of Queensland, the survey and manning of ships trading within the jurisdiction, the engagement and discipline of seamen, safety and prevention of accidents, inquiries and investigations into shipping casualties, control of explosives and carriage of dangerous goods in ships, and control of fishing boats, house boats and any other classes of vessels as the Governor in Council may determine.

The Marine (Dangerous Goods) Regulations apply to the carriage of explosives and other dangerous goods in ships in areas under the jurisdiction of the Queensland Government. Australian and foreign defence force vessels are exempt. 'Dangerous goods' are defined in accordance with the International Maritime Dangerous Goods Code published by the Inter-Governmental Maritime Organisation.

Queensland Marine (Sea-Dumping Act) (1985)

The *Environmental Protection (Sea Dumping) Act 1981*, was proclaimed and ratified by the Commonwealth in 1985 to ratify the international convention on the 'Prevention of Marine Pollution by Dumping of Wastes and other Matter'. The Commonwealth Act applies outside the territorial sea, but it applies also within the territorial sea in the absence of State legislation. The Queensland Act applies the principles of the convention in the territorial sea. It brings under State control the dumping into the sea of wastes and other matter and waste-incineration at sea within the three-mile coastal strip. The Act is complementary to the *Pollution of Waters by Oil Act*.

Radioactive Substances Act (1958-1978)

Radioactive Substances Regulations (1961)

Lays down conditions for using radioactive substances so that persons do not suffer from harmful exposure. The Act was first introduced to ensure protection in the medical use of radiation, to protect persons being X-rayed and the persons operating the equipment by ensuring that only those with an adequate knowledge of radiographic procedure and radiation safety use irradiating apparatus. The Act provides for the licensing of operators and equipment.

Sea Carriage of Goods (State) Act (1930)

Provides power to destroy or dispose of inflammable, explosive or dangerous substances when life, vessel or cargo are at risk, or where the nature of the shipment has not received the consent of the carrier.

State Counter-Disaster Organization Act (1975)

This legislation is concerned with disasters which are beyond the resources of the individual emergency services (Police, Ambulance and Fire) and require the combined efforts of the emergency services, Government departments, local authorities, voluntary organisations and the community resources. The Act provides a framework for the functioning of a State Emergency Service to function and for the State Counter-Disaster Organisation to co-ordinate counter disaster measures.

State Environment Act (1988)

Establishes a State Environment Advisory Council and amalgamates resources previously devoted to administering air, water and noise legislation.

Transport Infrastructure (Railways) Act (1991)

Replaced the *Railways Act* and provided for the incorporation of QRail. Provisions of the previous Act relating to the carriage of dangerous goods were retained. The Act deals with

passengers carrying or sending dangerous goods on rail. Dangerous goods must be labelled according to the Code and due notice must be given in writing to QRail setting out the nature of the goods. Dangerous goods cannot be carried by passengers or included in their luggage. The Act draws upon the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Workplace Health and Safety Act (1989-1990)

Workplace Health and Safety Regulations 1989 and Codes of Practice

Addresses the health and safety of workers and extends to protecting the public from workplace associated risks. The basis of the legislation, which is binding on the Crown, is the 'duty of care' of those who create risks or expose themselves to risk. For example, employers must ensure the health and safety of their employees and the owners, designers, manufacturers, importers or suppliers of plant must ensure that such machinery is safe for use. The Act encourages self regulation. Provisions exist, however, for intervention by the Government when self-regulation is inappropriate or abused.

Workplaces covered by the *Mines Regulation Act*, the *Coal Mining Act* or the *Petroleum Act*, the *Workplace Health and Safety Act* are exempt. The Act does not derogate from the provisions of the *Radioactive Substances Act*, the *Queensland Marine Act*, the *Explosives Act*, the *Traffic Act*, the *Motor Vehicles Safety Act* or the *Public Safety Preservation Act*.

The *Workplace Health and Safety Regulations (1989)* deal with hazardous substances. They apply to workplaces where hazardous substances are used, stored, handled or transported except where there is conflict with the: *Flammable and Combustible Liquids Regulations 1990*; *Gas Act 1990*; *Explosives Act 1990*; *Health Act (Poisons Regulations) 1990*; The ADG Code; International Maritime Dangerous Goods Code by Air; and Technical instructions for the Safe Transport of Dangerous Goods by Air. In the event of conflict these regulations and codes take precedence.

COMMONWEALTH LEGISLATION

Commonwealth Statutes affecting the management and control of hazardous substances in Queensland.

Agricultural and Veterinary Chemicals Act (1988)

Establishes the Australian Agricultural and Veterinary Chemicals Council. The Council has set up a uniform assessment and registration system for agricultural and veterinary chemicals and grants clearances for the registration of chemical products for use in those States participating in the scheme. Clearance is granted on the basis of health, environment and occupational safety criteria.

Air Navigation Act (1920)***Air Navigation Regulations (1920)***

Regulates air traffic and air transport and prohibits unauthorised carriage of munitions of war in Australia. The regulations prohibit the carriage of dangerous goods unless authorised.

Atomic Energy Act (1953)***Atomic Energy (Prescribed Substances) Regulations (1974)***

Provides extensive powers in relation to atomic substances. Regulations cover acquisition, production, transportation, possession, storage, use or disposal. Prescribed substances include uranium, thorium, any derivatives of such, and any substance capable of producing atomic energy. Unlicensed acquisition or possession is prohibited.

Civil Aviation Act (1988)

Establishes the Civil Aviation Authority and regulates civil aviation. The Act regulates the transport of hazardous chemicals by air, requires permits for specific hazardous chemicals and training in the handling of hazardous chemicals.

Customs (Prohibited Exports) Act

Prohibits or restricts the exporting of certain goods. Schedules in the Act cover the licensing for export of chemical compounds, fissionable material and certain "prescribed goods" containing phosphorus, fluorides and hydrochlorides.

Customs (Prohibited Imports) Act

Prohibits or restricts the importation of certain goods. For example, white or yellow phosphorous is prohibited. Permits are required to import: chemical warfare gas, fireworks, munitions, chlorinating biphenyls, terphenyls, polyphenyls and goods containing such substances, radioactive substances, organochlorine chemicals, petroleum lead organic compounds and therapeutic goods.

Coastal Waters (State Powers) Act (1980)

Extends the States' powers to the coastal waters in relation to mining, ports, harbours, other shipping facilities, fisheries. Includes matters relating to hazardous chemicals associated with those activities.

Commonwealth Places (Application of Laws) Act (1970)

Applies State legislation, including that relating to hazardous chemicals, to some places not covered by Commonwealth legislation.

Crimes (Aircraft) Act (1963)

Prohibits the carriage or sending of dangerous goods (including explosive substances) on an aircraft.

Environment Protection (Nuclear Codes) Act (1978)

Protect health and safety and the environment from possible harmful effects of nuclear activities. Enables the development of Codes of Practice for mining, production and treatment of nuclear and radioactive substances. The codes may be applied to the states if the states fail to enact similar standards.

Environmental Protection (Sea dumping) Act (1981)***Environmental Protection (Sea dumping) Regulations (1983)***

Regulates the dumping into the sea and the incineration at sea of wastes and other matters and applies an international convention. The owner and person in charge of a vessel, aircraft or sea platform from which the wastes or other matter is dumped is guilty of an offence unless the dumping is done in accordance with a permit. The owner or master is liable to the Government for the costs of cleaning up the dumped matter.

Special attention is given to organo-halogen compounds, mercury, cadmium, some plastics, oils, radioactive wastes, and chemicals used in biological warfare. Other materials, large quantities of acids and alkalis as well as many other chemicals which may be harmful due to their form, properties, toxicity, persistence or accumulation are regulated.

Requirements for dumping wastes at sea in an emergency are prescribed. The Act requires a manifest to be kept which details the chemical composition of all waste which will be dumped at sea.

Hazardous Waste (Regulation of Exports and Imports) Act (1989)

Regulates trade in hazardous wastes by import and export permits. Offences are linked to the operation of certain provisions of the *Crimes Act (1914)*.

Industrial Chemicals (Notification and Assessment) Act (1989)

Establishes a National Industrial Chemicals Notification and Assessment Scheme (NICNAS). Assessments of health, safety and environmental effects in relation to importation, manufacture, use, storage, handling and disposal of industrial chemicals are made under the scheme. NICNAS distinguishes between new and existing chemicals through the Australian Core Inventory of Chemical Substances (AICS). AICS is a listing of all chemicals, in commerce, in Australia between January 1977 and February 1990.

All persons or companies intending to introduce a new chemical in Australia by way of a manufacture or import are required to notify this intention. The Act requires the preparation of Material Safety Data Sheets. Penalties are imposed on people who introduce chemicals which have not been assessed. The Department of Health, Housing and Community Services assesses the potential hazard of new chemicals to the public. The Department of Arts, Sport, the Environment, Tourism and Territories assesses the potential environmental hazard.

The public may nominate chemicals for assessment. The Act does not apply to agricultural, veterinary, food and therapeutic chemicals.

Interstate Road Transport Act (1985)

Regulates the transport of hazardous chemicals by road.

National Occupational Health and Safety Act (1985)

Establishes the National Occupational Health and Safety Commission (NOHSC), known as Worksafe, which recommends codes of practice and standards to be adopted by the States. Codes and Guidance Notes have been developed for the storage, labelling and use of hazardous chemicals. Standards have been developed for atmospheric contaminants in the workplace. A National Material Safety Data Sheet Repository, which includes the MSDS for all hazardous chemicals used in Australia has been developed.

National Parks and Wildlife Conservation Act (1975)

Controls pollution of the soil, air and water safety, the use of fire, explosives and poisons in national parks, parks and reserves.

Navigation Act (1912)

Regulates navigation and shipping and prohibits the carriage of dangerous goods (defined in the Maritime dangerous goods Code) unless fully labelled. Ship owner may refuse to carry dangerous goods, and sailors may refuse to sail in ships carrying dangerous goods. Provides for the health and safety of people loading or unloading ships and on-board, distress procedures, the carriage of dangerous goods and prescriptive requirements for ships carrying noxious liquid substances.

Nuclear Non-Proliferation (Safeguards) Act (1987)

Provides for the non-proliferation of nuclear weapons in accordance with international treaties and provides for nuclear safeguards in Australia. A permit is required to possess nuclear material and associated equipment and material.

Ozone (License Fees - Manufacture) Act (1989)
Ozone (License Fees - Import) Act (1989)

Requires licensing and imposes restrictions on the manufacture and import of halon and other ozone-depleting substances.

Ozone Protection Act (1989)

Regulates the supply and use of ozone-depleting substances and includes licensing and quotas on the manufacture, import or export of chlorofluorocarbons, halon and other substances which deplete the ozone layer.

Post and Telegraph Act (1901)

Prohibits the sending of explosives, dangerous, filthy, noxious or deleterious substances or other things which are likely to injure other postal articles or people.

Protection of the Sea (Powers of Intervention) Act (1981)

Authorises the Commonwealth to protecting the sea from pollution by oil and other noxious substances discharged from ships. Applies an international convention.

APPENDIX 4

**SUMMARY OF INFORMATION RECEIVED
FROM 60 LOCAL AUTHORITIES
IN SOUTH-EAST QUEENSLAND**

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

WASTE TYPES PRODUCED IN AREA (AS PER CLASSIFICATIONS DESCRIBED IN INDEX)

LOCAL AUTHORITY NAME 1 2 3A 3B 4 5 7A 7B 7C 7D 7E 7F 7G 7H 7I 7J 7K

| LOCAL AUTHORITY NAME | 1 | 2 | 3A | 3B | 4 | 5 | 7A | 7B | 7C | 7D | 7E | 7F | 7G | 7H | 7I | 7J | 7K |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------------------|
| ALLORA S.C. | YES | | | | | | | | | | | | | | | | |
| ALBERT S.C. | YES | | YES | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| BEAUDESERT S.C. | YES | | YES | | | | | | | | | | | | | | |
| BIGGENDEN S.C. | | | | | | | | | | | | | | | | | TRUCK WASHOUT |
| BOONAH S.C. | YES | | YES | | | | | | | | | | | | | | |
| BRISBANE C.C. | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES |
| BUNDABERG C.C. | YES | | YES | YES | YES | | | | | | | | | | | | |
| CABOOLTURE S.C. | YES | | YES | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| CALOUNDRA C.C. | YES | | | | YES | | | | | | | | | | | | |
| CAMBOOYA S.C. | | | | | | | | | | | | | | | | | |
| CHINCHILLA S.C. | YES | | YES | | | | | | | | | | | | | | UNWANTED CHEMICALS |
| CLIFTON S.C. | YES | | | | | | | | | | | | | | | | |
| COOLOOLA S.C. | YES | | YES | | | | | | | | | | | | | | MINIMAL ACID |
| CROWS NEST S.C. | YES | | YES | | | | | | | | | | | | | | |
| DALBY T.C. | YES | | YES | | | | | | | | | | | | | | |
| EIDSVOID S.C. | YES | | YES | | | | | | | | | | | | | | TIMBER TREATMENT (COR) |
| ESK S.C. | YES | | | | | | | | | | | | | | | | |
| GATTON S.C. | YES | | | | | | | | | | | | | | | | NOT SPECIFIED |
| GAYINDAH S.C. | | | | | | | | | | | | | | | | | |
| OLENGALLAN S.C. | YES | | | | | | | | | | | | | | | | |
| GOLD COAST C.C. | YES | | YES | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| GOONDRWINDI T.C. | YES | | YES | | | | | | | | | | | | | | PHOTOGRAPHIC & PRINTING |
| HERVEY BAY S.C. | YES | | YES | | | | | | | | | | | | | | SILT |
| INGLEWOOD S.C. | YES | | YES | | | | | | | | | | | | | | |
| IPSWICH C.C. | YES | | YES | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

WASTE TYPES PRODUCED IN AREA (AS PER CLASSIFICATIONS DESCRIBED IN INDEX)

| LOCAL AUTHORITY NAME | 1 | 2 | 3A | 3B | 4 | 5 | 7A | 7B | 7C | 7D | 7E | 7F | 7G | 7H | 7I | 7J | 7K | |
|----------------------|-----|---|-----|----|---|-----|----|----|-----|----|----|----|----|----|----|----|----|---------------------------------|
| ISIS S.C. | | | YES | | | | | | | | | | | | | | | INTERCEPTOR TRAP |
| JONDARYAN S.C. | YES | | | | | | | | | | | | | | | | | |
| KILCOY S.C. | YES | | YES | | | | | | | | | | | | | | | |
| KILKIVAN S.C. | | | YES | | | | | | | | | | | | | | | MINING ORE WASH WATER |
| KINGAROY S.C. | YES | | YES | | | | | | | | | | | | | | | CHEMICAL & ANIMAL |
| KOLAN S.C. | YES | | YES | | | | | | | | | | | | | | | WASH WATER |
| LADLEY S.C. | YES | | | | | | | | | | | | | | | | | PRINTING WASTE |
| LOGAN C.C. | YES | | YES | | | | | | | | | | | | | | | |
| MAROOCHY S.C. | YES | | YES | | | | | | | | | | | | | | | SMALL QUANTITIES OF OTHER |
| MARYBOROUGH C.C. | YES | | YES | | | | | | | | | | | | | | | MINIMAL ACIDS/ALKALIS/EPOXY |
| MILLMERRAN S.C. | YES | | | | | | | | | | | | | | | | | CONCRETE & COUNCIL DEPOT WASH |
| MONTO S.C. | YES | | | | | | | | YES | | | | | | | | | |
| MORETON S.C. | YES | | YES | | | YES | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| MUNDUBBERA S.C. | YES | | YES | | | | | | | | | | | | | | | TIMBER TREATMENT, CITRUS PULP |
| MURGOON S.C. | | | | | | | | | | | | | | | | | | ABATTOIR & TANNERY |
| MURILLA S.C. | YES | | YES | | | | | | | | | | | | | | | UNWANTED CHEMICALS |
| NANANGO S.C. | | | | | | | | | | | | | | | | | | NIL |
| NOOSA S.C. | YES | | YES | | | | | | | | | | | | | | | |
| PERRY S.C. | YES | | YES | | | | | | | | | | | | | | | |
| PINE RIVERS S.C. | YES | | YES | | | | | | | | | | | | | | | ABATTOIR WASTES |
| PITTSWORTH S.C. | YES | | YES | | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| REDCLIFFE C.C. | YES | | YES | | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| REDLAND S.C. | YES | | YES | | | | | | | | | | | | | | | NOT SPECIFIED |
| ROSALIE S.C. | | | | | | | | | | | | | | | | | | |
| ROSENTHAL S.C. | YES | | | | | | | | | | | | | | | | | CONCRETE & SCREEN PRINT RUN-OFF |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

WASTE TYPES PRODUCED IN AREA (AS PER CLASSIFICATIONS DESCRIBED IN INDEX)

| LOCAL AUTHORITY NAME | 1 | 2 | 3A | 3B | 4 | 5 | 7A | 7B | 7C | 7D | 7E | 7F | 7G | 7H | 7I | 7J | 7K |
|----------------------|-----|-----|----|----|---|---|----|----|-----|----|----|----|----|----|----|----|-----------------------------------|
| STARTHORPE S.C. | YES | | | | | | | | | | | | | | | | PHOTO PROCESSING & BOTTLE WASHING |
| TARA S.C. | YES | | | | | | | | | | | | | | | | TANNERY |
| TIARO S.C. | YES | YES | | | | | | | | | | | | | | | |
| TOOWOOMBA C.C. | YES | YES | | | | | | | | | | | | | | | NOT DIRECTLY ANSWERED |
| WAGGAMBA S.C. | YES | YES | | | | | | | | | | | | | | | |
| WAMBO S.C. | YES | YES | | | | | | | YES | | | | | | | | |
| WARWICK C.C. | YES | YES | | | | | | | | | | | | | | | WHEY DISINFECTANTS, DETERGENTS |
| WONDAL S.C. | YES | | | | | | | | | | | | | | | | |
| WOOCOO S.C. | | | | | | | | | | | | | | | | | NONE PRODUCED |
| WOONGARRA S.C. | YES | YES | | | | | | | | | | | | | | | |

INDEX:

WASTE DESCRIPTION

| | |
|----|---|
| 1 | BIODEGRADABLE AQUEOUS (LIQUID ORGANIC MATTER) |
| 2 | BIODEGRADABLE SLUDGE (ORGANIC SLUDGE MATTER) |
| 3A | OILY |
| 3B | AQUEOUS SOLVENT |
| 4 | ACID/ALKALI/METAL |
| 5 | PESTICIDE |
| 7A | CHROMATE |
| 7B | CYANIDE |
| 7C | COPPER/CHROME ARSENATE |
| 7D | HALOGENATED SOLVENTS |
| 7E | MISCELLANEOUS CHEMICALS |
| 7F | NON-HALOGENATED SOLVENTS |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
 SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

WASTE TYPES PRODUCED IN AREA (AS PER CLASSIFICATIONS DESCRIBED IN INDEX)

| LOCAL AUTHORITY NAME | 1 | 2 | 3A | 3B | 4 | 5 | 7A | 7B | 7C | 7D | 7E | 7F | 7G | 7H | 7I | 7J | 7X |
|----------------------|---|---|----|----|---|---|----|----|----|----|----|----|----|----|----|----|----|
|----------------------|---|---|----|----|---|---|----|----|----|----|----|----|----|----|----|----|----|

- 7G PESTICIDE CONCENTRATE
- 7H GALVANISING ACID
- 7I PHENOLS
- 7J SOLUBLE OIL
- 7X OTHER

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | NUMBER OF BUSINESSES PRODUCING LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING NON TOXIC LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING HAZARDOUS LIQUID WASTE IN AREA |
|----------------------|---|---|---|
| ALLORA S.C. | 6 | 6 | 0 |
| ALBERT S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| BEAUDESERT S.C. | 309 | 293 | 16 |
| BIGGENDEN S.C. | 1 | 1 | 1 |
| BOONAH S.C. | 27 | 20 | 7 |
| BRISBANE C.C. | 2,000 SEWERABLE INDUSTRIAL ? NON SEWERABLE GREASE TRAP | 7 | |
| | 1,600 NON SEWERABLE HAZARDOUS | | 1,600 |
| | 820 HAZARDOUS ONE-OFFS 1992/93 | | 820 ONE-OFF'S 1992/93 |
| BUNDABERG C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| CABOOLTURE S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| CALOUNDRA C.C. | 200 - 400 | 95 % | 5 % |
| CAMBOOYA S.C. | 2 | 2 | 0 |
| CHINCHILLA S.C. | 100 | 99 | 1 |
| CLIFTON S.C. | 4 | 4 | 0 |
| COOLOOLA S.C. | 400 APPROX. | NOT SPECIFIED | NOT SPECIFIED |
| CROWS NEST S.C. | 21 | 15 | 6 |
| DALBY T.C. | 42 | 32 | 10 |
| EIDSVOLD S.C. | 5 | 2 | 3 |
| ESK S.C. | 25 | 25 | 0 |
| GATTON S.C. | 192 | 192 | 0 |
| GAYNDAH S.C. | 2 | 1 | 1 |
| GLENGALLAN S.C. | 4 | 4 | 0 |
| GOLD COAST C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| GOONDRWINDI T.C. | UNESTIMATED | UNESTIMATED | UNESTIMATED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | NUMBER OF BUSINESSES PRODUCING LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING NON TOXIC LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING HAZARDOUS LIQUID WASTE IN AREA |
|----------------------|---|--|--|
| HERVEY BAY S.C. | 135 | 135 | 0 |
| INGLEWOOD S.C. | 30 | 20 | 0 |
| IPSWICH C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| ISIS S.C. | 15 | 15 | 0 |
| JONDARYAN S.C. | 40 | 32 | 8 |
| KILCOY S.C. | 13 | 10 | 3 |
| KILKIVAN S.C. | 4 | 3 | 1 |
| KINGAROO S.C. | 64 | 34 | 30 |
| KOLAN S.C. | 15 | 8 | 7 |
| LAIDLAY S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| LOGAN C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| MAROOCHY S.C. | 200 | 200 | 0 |
| MARYBOROUGH C.C. | CHEMICAL WASTE SURVEY DEC. 1989 BUSINESSES PRODUCING WASTE=119 | NOT SPECIFIED | NOT SPECIFIED |
| MILLMERRAN S.C. | 20 | 20 | 0 |
| MONTO S.C. | 3 | 0 | 3 |
| MORETON S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| MUNDUBBERA S.C. | 8 | 5 | 3 |
| MURGON S.C. | 10 | 5 | 5 |
| MURILLA S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| NANANGO S.C. | 0 | 0 | 0 |
| NOOSA S.C. | UNKNOWN | UNKNOWN | 0 |
| PERRY S.C. | 3 | 2 | 1 |
| PINE RIVERS S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| PITTSWORTH S.C. | 15 | 7 | 8 |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | NUMBER OF BUSINESSES PRODUCING LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING NON TOXIC LIQUID WASTE IN AREA | NUMBER OF BUSINESSES PRODUCING HAZARDOUS LIQUID WASTE IN AREA |
|----------------------|---|--|--|
| REDCLIFFE C.C. | PERMITS/INTERCEPTOR TRAPS: 60 SEPTICS: 29 HOLDING TANKS: 13 GREASE TRAPS/NO PERMIT: 72 | NOT SPECIFIED | NOT SPECIFIED |
| REDLAND S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| ROSALIE S.C. | 0 | 0 | 0 |
| ROSENTHAL S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| STANTHORPE S.C. | 44 | 32 | 12 |
| TARA S.C. | 20 | 20 | 0 |
| TIARO S.C. | 22 | 21 | 1 |
| TOOWOOMBA C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| WAGGAMBA S.C. | 18 | 11 | 7 |
| WAMBO S.C. | 35 | 25 | 10 |
| WARWICK C.C. | 160 | 120 | 40 |
| WONDAL S.C. | 9 | 3 | 0 |
| WOOCOO S.C. | 0 | 0 | 0 |
| WOONGARRA S.C. | 50 | 50 | 0 |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY NAME TYPES OF LIQUID WASTE PERMITTED TO BE DISCHARGED TO SEWER

| | |
|-------------------|---|
| ALLORA S.C. | NONE, NO SEWERAGE SYSTEM INSTALLED |
| ALBERT S.C. | NOT SPECIFIED |
| BEAUDESERT S.C. | SEPTIC AND GREASE TRAP AT CANUNGRA & BEAUDESERT SEWERAGE PLANTS |
| BIGGENDEN S.C. | NONE |
| BOONAH S.C. | GREASE TRAP EFFLUENT |
| BRISBANE C.C. | WASTE OF A QUALITY AS SPECIFIED BY PERMIT |
| BUNDBERG C.C. | EFFLUENT MEETING PERMIT CONDITIONS |
| CABOOLTURE S.C. | WASTE WHICH MEETS COUNCIL SEWER ADMISSION STANDARDS |
| CALOUNDRA C.C. | WASTE IN ACCORDANCE WITH COUNCIL TRADE WASTE POLICY |
| CAMBOOYA S.C. | NONE |
| CHINCHILLA S.C. | TREATED RADIATOR WASTE |
| CLIFTON S.C. | GREASE TRAP EFFLUENT |
| COOLOOLA S.C. | PRE TREATED WASTE (GREASE TRAP & OIL TRAP) |
| CROWS NEST S.C. | NONE |
| DALBY T.C. | WASTE THAT CAN BE BIOLOGICALLY TREATED |
| EIDSVOLD S.C. | GREASE TRAP |
| ESK S.C. | SEPTIC |
| GATTON S.C. | PERMISSIBLE CHARGES AS DEFINED SEC.33 SEWERAGE & WATER SUPPLY ACT |
| GAYNDAH S.C. | NONE |
| GLENGALLAN S.C. | NONE, NO SEWERAGE SYSTEM AVAILABLE |
| GOLD COAST C.C. | WASTE MEETING LICENSE CONDITIONS |
| GOONDIRIWIHI T.C. | PHOTOGRAPHIC (AFTER PRE-TREATMENT), WORKSHOP WASH DOWN WATER, PRINTER WASTE |
| HERVEY BAY S.C. | ALL LIQUID WASTE MEETING SEWER ADMISSION STANDARDS |
| INGLEWOOD S.C. | GREASE AND FATS |
| IPSWICH C.C. | WASTE THAT MEETS COUNCIL GUIDELINES |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY NAME TYPES OF LIQUID WASTE PERMITTED TO BE DISCHARGED TO SEWER

| | |
|------------------|---|
| ISIS S.C. | NONE |
| JONDARYAN S.C. | NONE |
| KILCOY S.C. | NON-TOXIC WASTES |
| KILKWAN S.C. | NONE |
| KINGAROY S.C. | NON-HAZARDOUS ANIMAL WASTE & NON-TOXIC CHEMICAL WASTE |
| KOLAR S.C. | NONE |
| LAIDLEY S.C. | NOT SPECIFIED |
| LOGAN C.C. | AS SPECIFIED IN LIQUID WASTE POLICY |
| MAROOCHY S.C. | WASTE MEETING TRADE WASTE POLICY STANDARDS |
| MARYBOROUGH C.C. | WASTE MEETING COUNCIL POLICY-GREASE,OIL TRAP OVERFLOW & DILUTED ACIDS/ALKALIS |
| MILLMERRIAN S.C. | NONE |
| MONTO S.C. | NONE |
| MORETON S.C. | MATERIAL TO THE STANDARD OF DOMESTIC SEWERAGE EFFLUENT |
| MUNDUBBERA S.C. | GREASE TRAP & CITRUS PULP |
| MURGON S.C. | TREATED EFFLUENT FROM MURGON LEATHER COY TANNERY |
| MURRILLA S.C. | NOT SPECIFIED |
| NANANGO S.C. | NONE |
| NOOSA S.C. | HOLDING TANK WASTE COLLECTED BY COUNCIL CONTRACTOR |
| PERRY S.C. | NO SEWERAGE SCHEME |
| PINE RIVERS S.C. | NOT SPECIFIED |
| PITTSWORTH S.C. | HOTEL & CAFE WASTES |
| REDCLIFFE C.C. | WASTE MEETING TRADE WASTE POLICY STANDARDS |
| REDLAND S.C. | WASTE MEETING TRADE WASTE POLICY STANDARDS |
| ROSAJIE S.C. | SEPTIC |
| ROSENTHAL S.C. | NONE |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| NAME | DOES AUTHORITY HAVE | | NUMBER OF TRADE | | TRADE WASTE INSPECTOR | LIQUID WASTE DISPOSAL |
|-----------------|---------------------|--------------------|------------------|-----------|-----------------------------|---|
| | A TRADE WASTE | POLICY DOCUMENTED? | WASTE INSPECTORS | EMPLOYED? | | |
| ALLORA S.C. | NO | | 0 | | N/A | NO |
| ALBERT S.C. | NO | | 1 | | NOT SPECIFIED | CONTRACTOR RETURNS SHOWING COLLECTIONS & DISPOSAL |
| BEAUDESERT S.C. | NOT SPECIFIED | | 0 | | N/A | RANDOM SAMPLING & VISUAL MONITORING |
| BIGGENDEN S.C. | NOT SPECIFIED | | NOT SPECIFIED | | N/A | NOT SPECIFIED |
| BOONAH S.C. | NOT SPECIFIED | | 0 | | N/A | NO |
| BRISBANE C.C. | YES | | 5 | | CHEMICAL | REGISTRATION/INSPECTION/DKT SYSTEMS |
| BUNDABERG C.C. | NO | | 0 | | N/A | |
| CABOOLTURE S.C. | YES | | 1 | | PLUMBING | LICENSING GENERATORS/SEWER ADMISSION STDS |
| CALOUNDRA C.C. | YES | | 1 | | PLUMBING | REGISTER OF TRANSPORTERS/ENV. HEALTH OFFICERS FOLLOW UP COMPLAINTS |
| CAMBODYA S.C. | NO | | 0 | | N/A | VERBAL REFERENCE |
| CHINCHILLA S.C. | NOT SPECIFIED | | NOT SPECIFIED | | N/A | CHINCHILLA TIP OPERATOR MONITORS SITE |
| CLIFTON S.C. | NO | | 0 | | N/A | NO |
| COOLOOLA S.C. | NO | | 0 | | N/A | LICENSING TRANSPORTERS/WASTE CONTRACTS/WASTE AREAS SPECIFIED |
| CROWS NEST S.C. | NO | | 0 | | N/A | NONE |
| DALBY T.C. | NOT SPECIFIED | | 0 | | N/A | NONE |
| EIDSVOLD S.C. | NOT SPECIFIED | | NOT SPECIFIED | | N/A | NOT SPECIFIED |
| ESK S.C. | NO | | 0 | | N/A | DISPOSAL SITES OVERSEEN |
| GATTON S.C. | NOT SPECIFIED | | 0 | | N/A | LICENSING TRANSPORTERS ONLY PERMITTED TO USE COUNCIL PLANTS/DOCKET SYSTEMS |
| GAYDAH S.C. | NOT SPECIFIED | | NOT SPECIFIED | | N/A | NOT SPECIFIED |
| GLENGALLAN S.C. | NO | | 0 | | N/A | NO |
| GOLD COAST C.C. | YES | | 3 | | WASTE MGMT, APPLIED SCIENCE | INSPECTION/COMPARISON OF COUNCIL DKTS |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| NAME | DOES AUTHORITY HAVE A TRADE WASTE POLICY DOCUMENTED? | NUMBER OF TRADE WASTE INSPECTORS EMPLOYED? | TRADE WASTE INSPECTOR QUALIFICATIONS | LIQUID WASTE DISPOSAL VERIFICATION CHECKS? |
|------------------|--|--|---|---|
| GOONDIWINDI T.C. | NO | NOT SPECIFIED | N/A | A & TRANSPORTER REPORTS FOR GREASE TRAP WASTE/SOLVENT GENERATOR REPORTS |
| HERVEY BAY S.C. | YES | 1 | PLUMBER/DRAINER/TREATMENT PLANTS | NOT SPECIFIED |
| INGLEWOOD S.C. | NOT SPECIFIED | NOT SPECIFIED | N/A | RANDOM INSPECTIONS |
| IPSWICH C.C. | NOT SPECIFIED | 1 | NOT SPECIFIED | NOT SPECIFIED |
| ISIS S.C. | NOT SPECIFIED | NOT SPECIFIED | N/A | GENERATOR INSPECTIONS/RIVER SYSTEM SAMPLING |
| JONDARYAN S.C. | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED |
| KILCOY S.C. | NOT SPECIFIED | 0 | N/A | NONE |
| KILKIVAN S.C. | NOT SPECIFIED | NOT SPECIFIED | N/A | DISCHARGE SUPERVISED |
| KINGAROY S.C. | YES | NOT SPECIFIED | N/A | NOT SPECIFIED |
| KOLAN S.C. | NOT SPECIFIED | NOT SPECIFIED | N/A | NOT SPECIFIED |
| LAIDLEY S.C. | BEING DEVELOPED | NOT SPECIFIED | N/A | NOT SPECIFIED |
| LOGAN C.C. | YES | 1 | CIVIL ENGINEERING/PLUMBING/ DRAINING/WATER & SEWERAGE PLANT OPERATION | NOT SPECIFIED |
| MAROOCHY S.C. | YES | 1 | PLUMBING/SEWAGE PLANT OP. | DOCKET SYSTEMS/LICENSED CONTRACTORS/ LIQUID WASTE POLICY |
| MARYBOROUGH C.C. | YES | 0 | N/A | GENERATORS INSPECTION/SEWAGE PLANT MONITORING/TRADE WASTE POLICY/ LICENSED TRANSPORTERS |
| MILLMERRAN S.C. | NO | NOT SPECIFIED | N/A | MONTHLY RETURNS FROM 1 TRANSPORTER |
| MORFET S.C. | NOT SPECIFIED | NOT SPECIFIED | N/A | NONE |
| MORETON S.C. | YES | UP TO 3 | NOT SPECIFIED | NOT SPECIFIED |
| | | | | DOCKET MATCHING IF DISPOSED IN AREA LICENSE SYSTEM |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| NAME | DOES AUTHORITY HAVE | | NUMBER OF TRADE WASTE INSPECTORS EMPLOYED? | TRADE WASTE INSPECTOR QUALIFICATIONS | LIQUID WASTE DISPOSAL VERIFICATION CHECKS? | |
|------------------|-------------------------------------|---------------|--|---|---|--|
| | A TRADE WASTE POLICY DOCUMENTED? | NOT SPECIFIED | | | NOT SPECIFIED | NOT SPECIFIED |
| MUNDUBBERA S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| MURGOON S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | LEATHER EFFLUENT TESTED |
| MURILLA S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NONE |
| NAMANGO S.C. | NO | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NONE |
| NOOSA S.C. | NO | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | LICENSED CONTRACTOR |
| PERRY S.C. | NOT SPECIFIED | NOT SPECIFIED | 1 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| PINE RIVERS S.C. | DRAFT ONLY | NOT SPECIFIED | 1 | PLUMBING/DRAINING/SEWERAGE PLANT OPERATION | NOT SPECIFIED | TRADE WASTE REGISTRATION/INSPECTION |
| PITTSWORTH S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| REDCLIFFE C.C. | YES | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | TRANSPORTER CONTRACT/LICENSED GENERATORS |
| REDLAND S.C. | YES | NOT SPECIFIED | 1 | PLUMBER | NOT SPECIFIED | TRADE WASTE POLICY/DOCKET SYSTEM/ INSPECTIONS |
| ROSALIE S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| ROSENTHAL S.C. | NO | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NONE |
| STANTHORPE S.C. | NOT SPECIFIED | NOT SPECIFIED | 1 | PLUMBER/DRAINER | NOT SPECIFIED | RANDOM Q.T. CHECKS |
| TARA S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| TIARO S.C. | NOT SPECIFIED | NOT SPECIFIED | 2 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| TOOKOOMBA C.C. | YES | NOT SPECIFIED | 2 | NOT SPECIFIED | NOT SPECIFIED | TRADE WASTE INSPECTION OF GENERATORS |
| WAGGAMBA S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| WAMBO S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NO REGULAR CHECKS |
| WARWICK C.C. | NO | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| WONDAL S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | YES |
| WOOCOO S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | NOT SPECIFIED |
| WOONGARRA S.C. | NOT SPECIFIED | NOT SPECIFIED | 0 | N/A | NOT SPECIFIED | RANDOM CHECKS OF COUNCIL DUMP |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS
DISPOSAL SITE NAMES

WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE)

| NAME | DISPOSAL SITE NAMES | WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE) |
|------------------|--|---|
| ALLORA S.C. | ALLORA | GREASE TRAP & SEPTIC, FEES NOT SPECIFIED |
| ALBERT S.C. | MERRIMAC, BEENLEIGH & HELENSVALE | MERRIMAC & HELENSVALE-SEWERAGE ONLY, BEENLEIGH-SEWERAGE & SOME GREASE TRAP(@40C/LITRE) |
| BEAUDEBERT S.C. | BEAUDEBERT, CANUMORA & CROWSON LANE | GREASE TRAP-\$10.80/200L & SEPTIC:TO 2778L/77A,THEREAFTER \$3.10/100L |
| BIGGENDEN S.C. | BIGGENDEN | NOT SPECIFIED |
| BOONAH S.C. | KALBAR | SEPTIC & GREASE TRAP, NO FEE |
| BRISBANE C.C. | LOGGAGE POINT & ROCKLEA SEWERAGE PLANTS WILLAWONG LIQUID WASTE DISPOSAL SITE | SEWERAGE NON SEWERABLE WASTE, FEE DEPENDS ON QUANTITY & WASTE CLASS TREATED PESTICIDES, PAINT & SOLVENT |
| BUNDABERG C.C. | GIRILJUMUDI | |
| CABOOLTURE S.C. | EAST BUNDABERG & MILLBANK SEWERAGE PLANTS WATER POLLUTION CONTROL WORKS-BURRONGARY, CABOOLTURE SOUTH, WOODFORD, BRISIE ISLAND, CABOOLTURE NORTH | BURRONGARY-RECEIVES SEWAGE, SEPTIC & GREASE TRAP WASTE FEES-HOLDG TANK \$0.82/KL,SEPTIC \$16.12/KL,GT \$13.62/KL |
| CALOUNDRA C.C. | MALeny | SEWAGE & HOLDING TANK |
| | CALOUNDRA, KAWAMA | HOLDING TANK,TRADE WASTE,SEWAGE WASTE |
| | PIERCE AVENUE | GREASE TRAP |
| | | FEES-SEWAGE \$1.20, TRADE WASTE \$0.40/KL (RTY), \$0.50/KG & DAY 800 (OLTY), \$0.25/KG SUSPENDED SOLIDS & GREASE |
| CAMBOOYA S.C. | FAULKNERS RD & CAMBOOYA-GREENMOUNT RD | SEPTIC, NO FEE SPECIFIED |
| CHINCHILLA S.C. | CHINCHILLA SEWERAGE PLANT+4 TIP SITES | CHINCHILLA TR-WASTE OIL, NO FEE |
| CLIFTON S.C. | CLIFTON | GREASE TRAP, NIL |
| COOLOOLA S.C. | RAINBOW BEACH,TIN CAN BAY,STIMPIE BONNICK RD. | SEWER LINE WASTE, NO FEES GREASE TRAP & SEPTIC, NO FEES |
| | TIN CAN BAY | SEPTIC,NIGHT SOL, GREASE TRAP, NO FEES |
| | MARY VALLEY | SEPTIC,NIGHT SOL, GREASE TRAP, NO FEES |
| CROWNS NEST S.C. | CROWNS NEST | SEPTIC, NO FEE |
| DALBY T.C. | DALBY, DENIS STREET | GREASE TRAP & INTERCEPTOR TRAP, NO FEE |
| EIDSVOLD S.C. | EIDSVOLD | DOMESTIC REFUSE |
| ESK S.C. | TOOBOOLAWAH,ESKLOWOOD | GREASE TRAP & SEPTIC, NO FEE SPECIFIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS
DISPOSAL SITE NAMES

WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE)

NAME

| NAME | DISPOSAL SITE NAMES | WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE) |
|------------------|---|--|
| GATTON S.C. | GATTON SEWERAGE PLANT, GATTON NIGHTSOIL DEPOT | GREASE TRAP (\$11,000 LITRES) & SEPTIC TANK (\$2,751,000 LITRES) |
| GAYNDAH S.C. | NONE | N/A |
| GLENALLAN S.C. | KILLARNEY | GREASE TRAP, NO FEE |
| GOLD COAST C.C. | TURON, ELANORA, COOMBABAH SEWERAGE PLANTS | COOMBABAH-MIXED GREASE TRAP & SEPTIC FROM CLEANAWAY |
| GOONDRWOD T.C. | SEWERAGE PLANT & REFUSE TIP | G.T. AT REFUSE TIP, SEPTIC AT SEWERAGE PLANT, \$1.30 PER KL |
| HERVEY BAY S.C. | PULGUL CREEK, BURRUM HEADS & TOOROOM | PULGUL CREEK-G.T., SEPTIC, OTHERS-SEPTIC, FEE UNDER NEGOTIATION |
| INGLEWOOD S.C. | NONE | N/A |
| IPSWICH C.C. | 1. SEWERAGE PLANTS-TYVOU, BUNDAMBA & REDBANK 2. BRIGGS RD FLINDERS VIEW SANITARY DEPOT | SEPTIC, FEE NOT SPECIFIED SEPTIC, FEE NOT SPECIFIED |
| ISS S.C. | 3. RIVERVIEW RECYCLING & REFUSE CENTRE | RECEIVES SMALL QUANTITIES OF LIQUID WASTE-REMOVED TO WILLAWONG |
| JONDARYN S.C. | CHILDERS | SEPTIC & GREASE TRAP, NO FEE SPECIFIED |
| KILCOY S.C. | NONE | N/A |
| KILKIVAN S.C. | NONE | N/A |
| KINGARROY S.C. | KINGARROY | SEPTIC & G.T., \$85 UP TO 4500 LITRES-\$33 PER 3000L THEREAFTER |
| KOLAN S.C. | ELLIOTT ST GIN GIN SEWERAGE PLANT | SEWERAGE, \$185 FIRST PEDESTAL \$145 ADDITIONAL |
| LAIDLEY S.C. | LAIDLEY REFUSE TIP & SEWERAGE PLANT | REFUSE TIP-GREASE TRAP, SEWERAGE PLANT-SEPTIC-FEES-\$100 TO \$200 P.A. |
| LOGAN C.C. | WATER POLLUTION CONTROL CENTRES - LOGANHOLMIE & SLACKS CREEK | LOGANHOLMIE-SEPTIC, FEE: UP TO 2,500 LITRES \$160, EACH ADDITIONAL 1,000 LITRES \$80 |
| MAROOCHY S.C. | 1. SPYRY CREEK 2. COOLUM, PACIFIC PARADISE, HAMBOUR, YANDINA, BUDLO | GREASE TRAP HOLDING TANK WASTE (SUDOLO ALSO TAKES SEPTIC TANK WASTE) |
| MARYBOROUGH C.C. | 1. BALT WATER CREEK RD. REFUSE TIP 2. BUCKWOOD ROAD TIP 3. TJUAN REFUSE DISPOSAL SITE | FEES: \$0.40/KL (CITY), \$0.75/KG 500 (C.L.T.Y), \$0.25/KG SUSPENDED SOLIDS/GREASE, \$6.00 H.L.D.G TANKS/CHEMICAL TOILETS, \$80.00 SEPTIC TANK WASTE, \$20.00 COMBINED WASTE RECYCLABLE OIL - COMMERCIAL TRANSPORTERS CHARGED FEE (\$10 PER TRUCK) RECYCLABLE OIL-SEWERAGE SLUDGE, SEPTIC, GREASE TRAP - COMMERCIAL TRANSPORTERS CHARGED FEE (\$10 PER TRUCK) NON COMMERCIAL |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

NAME LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS
DISPOSAL SITE NAMES WASTE TYPES ACCEPTED A FEE (OTHER THAN CONNECTED SEWER WASTE)

| | | |
|------------------|---|---|
| MILLERMAN S.C. | NONE | N/A |
| MONTO S.C. | NONE | N/A |
| MORETON S.C. | CAROLE PARK WATER POLLUTION CONTROL WORKS | SEWERAGE & SEPTIC FROM J.J. RICHARDS & SONS P/L |
| | ROSEWOOD & KARANA DOWNS WATER POLLUTION CONTROL WORKS | |
| | COLLEGES CROSSING PACKAGE SEWERAGE TREATMENT PLANT | FOOD/PUBLIC TOILET WASTES |
| | REFUSE TIPS (SIX LANDFILLS) | OIL WASTE - STORED HERE FOR COLLECTION BY TRUE BLUE OIL RECYCLING |
| MUNDURBERA S.C. | MUNDURBERA | DOMESTIC REFUSE, NO FEES SPECIFIED |
| MURGOON S.C. | NONE | N/A |
| MURILLA S.C. | MILES SEWERAGE SCHEME, REFUSE TIPS-MILES, CONDAMNIE, DRELLHAM, DULACCA, COLUMBOOLA | REFUSE TIPS - SOME SEPTIC & SILT & GREASE TRAP, NO FEES. |
| NANANGO S.C. | NANANGO & SLACKBUTT | SEPTIC & GREASE TRAP, NO FEE |
| NOOSA S.C. | COOROY & NOOSA HEADS SEWERAGE PLANTS | SEPTIC, HOLDING TANK WASTE (PRIVATE JOBS \$1/TRUCK) |
| | NOOSA HEADS LANDFILL | GREASE TRAP, OIL, APPRESTER WASTE (PRIVATE JOBS NO FEE) |
| PERRY S.C. | NONE | N/A |
| PINE RIVERS S.C. | BRENDALE & MURRUMBA DOWNS SEWERAGE PLANTS, DAKABIN & ARANA HILLS REFUSE TIPS | BRENDALE-RECEIVES SEPTIC & GREASE TRAP, COVERED PLACES CHARGE: = ANNUAL SEWERAGE CHARGES / 250 L ANNUAL SEWERAGE CHARGE; OILS RECEIVED AT THE REFUSE TIPS |
| PITTSWORTH S.C. | NONE | N/A |
| REDCLIFFE C.C. | CLONTARF SEWERAGE PLANT | LIMITED AMOUNTS OF SILT, SEPTIC ETC. FROM COUNCIL CONTRACTOR |
| REDLAND S.C. | WATER POLLUTION CONTROL WORKS (SEWERAGE PLANTS)- THORNESIDE, VICTORIA PT, MT COTTON, POINT LOOKOUT, CAPITALABA, CLEVELAND, STRADBROKE IN. PONDS | CLEVELAND - ACCEPTS GREASE TRAP & SEWERAGE; STRADBROKE IN. PONDS ACCEPT GREASE TRAP. FEES: \$30/KL IF FROM SHIRE, OUTSIDE SHIRE \$45/KL |
| ROSALIE S.C. | BOOMBUNGEE & YARRAMAN | SEPTIC, BOOMBUNGEE \$110 P.A., YARRAMAN \$25 PER 2000 LITRES |
| ROSENTHAL S.C. | ROSENTHAL HEIGHTS | SEPTIC, NO FEE |
| STANTHORPE S.C. | WALLANGUMPA | GREASE TRAP & SEPTIC, \$101.82 PER ANNUM |
| TARA S.C. | TARA & MEANDARRA | SEWERAGE, NO FEES SPECIFIED |
| TIARO S.C. | TIARO, GUNALDA, THWANBAR, YERRA, GUNDAH, | DOMESTIC WASTE, NO CHARGES LEVIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
 SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS
 DISPOSAL SITE NAMES

WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE)

NAME

| NAME | DISPOSAL SITE NAMES | WASTE TYPES ACCEPTED & FEE (OTHER THAN CONNECTED SEWER WASTE) |
|----------------|---|---|
| TOOWOOMBA C.C. | KARYAN | |
| WAGGAMBA S.C. | WETALLA SEWERAGE PLANT, BEDFORD STREET LANDFILL | WETALLA-SEPTIC, BEDFORD STREET-OTROLY \$300 LICENSE FEE P/A |
| WAMBO S.C. | NONE | N/A |
| WARWICK C.C. | DANDONE & DUCKLO | SEPTIC, NO FEE |
| WONDAL S.C. | MORGAN PARK TIP, WARWICK SEWERAGE PLANT | TIP-GREASE TRAP & SEPTIC; FEES \$40/200L |
| WOODOO S.C. | WONDAL & PRORSTON | SEPTIC & GREASE TRAP, NIL FEE |
| WOONGARRA S.C. | TRIANA, NORTH ARAMANA, BIGGENDEN, ARAMANA | DOMESTIC, NIL FEE |
| | QUINABA | SEPTIC & GREASE TRAP, NIL FEE |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

LOCAL AUTHORITY NAME LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS WASTE RECEIVED FROM OTHER SHIRES?
WASTE ACCEPTED FROM (OTHER THAN CONNECTED SEWER WASTE) SITE TREATMENT PROCESS FROM OTHER SHIRES?

| | | | |
|-----------------|--|---|--------------------------|
| ALLORA S.C. | CONTRACTORS | TRENCH BURIAL | NO |
| ALBERT S.C. | AUTHORISED TRANSPORTERS | SEWERAGE PLANTS | NO |
| BEAUDESERT S.C. | CONTRACTORS | SEWERAGE PLANT & BURIAL | NO |
| BIGGENDEN S.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| BOONAH S.C. | G. GORDON | NOT SPECIFIED | NO |
| BRISBANE C.C. | WILLAWONG-REGISTERED TRANSPORTERS & GENERATORS | VARIOUS DEPENDENT ON CHEMICAL COMPOSITION | YES |
| BUNDABERG C.C. | GIRLUMUNDI- | | YES |
| | | SEWERAGE PLANTS | WOONGARRA SHIRE SEWERAGE |
| CABOOLTURE S.C. | REGISTERED TRANSPORTERS | SEWERAGE PLANT | NO |
| CALOUNDRA C.C. | REGISTERED TRANSPORTERS | SEWERAGE PLANT | NOT SPECIFIED |
| | REGISTERED TRANSPORTERS | SEWERAGE PLANTS | NOT SPECIFIED |
| | REGISTERED TRANSPORTERS | LAND FILL | NOT SPECIFIED |
| CAMBOOYA S.C. | SHIRE ONLY | NOT SPECIFIED | NO |
| CHINCHILLA S.C. | SHIRE GENERATORS | TIPS ARE LANDFILL | NOT SPECIFIED |
| CLIFTON S.C. | PRIVATE CONTRACTOR | TRENCH BURIAL | NO |
| COOLOOLA S.C. | | SEWERAGE PLANTS | NOT SPECIFIED |
| | CONTRACTOR | REFUSE TIP | NOT SPECIFIED |
| | CONTRACTOR-LAO REIBEL | SANITARY DEPOT | NOT SPECIFIED |
| | CONTRACTOR-K&C PAYNE | SANITARY DEPOT | NOT SPECIFIED |
| CROWS NEST S.C. | LICENSED OPERATORS | RETENTION IN PONDS | NO |
| DALBY T.C. | COUNCIL | NONE | NO |
| EIDSVOLD S.C. | DOMESTIC | NOT SPECIFIED | NOT SPECIFIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

WASTE RECEIVED
FROM OTHER SHIREST

LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS
WASTE ACCEPTED FROM SITE TREATMENT PROCESS
(OTHER THAN CONNECTED SEWER WASTE)

| LOCAL AUTHORITY NAME | WASTE ACCEPTED FROM (OTHER THAN CONNECTED SEWER WASTE) | WASTE RECEIVED FROM OTHER SHIREST |
|----------------------|--|--|
| ESK S.C. | SHIRE | NOT SPECIFIED |
| GATTON S.C. | LICENSED TRANSPORTERS | BEVERAGE PLANT,NIGHTSOIL DEPOT(GROUND) |
| GAYDAH S.C. | N/A | N/A |
| GLENGALLAN S.C. | PRIVATE CONTRACTORS | TRENCH BURIAL |
| GOLD COAST C.C. | CLEANAWAY | SEWERAGE PLANT |
| GOONDRWINDI T.C. | A.B. KNIGHT | REFUSE TIP IS LANDFILL |
| HERVEY BAY S.C. | CONTRACTORS | SEWERAGE PLANTS |
| INGLEWOOD S.C. | N/A | N/A |
| IPSWICH C.C. | COUNCIL COLLECTORS | SEWERAGE PLANTS |
| | COUNCIL COLLECTORS | SANITARY DEPOT |
| | RESIDENTS | TEMPORARY STORAGE |
| ISIS S.C. | \$TELURIN P/L | BURIAL |
| JONDARYAN S.C. | N/A | N/A |
| KILCOY S.C. | N/A | N/A |
| KILKIVAN S.C. | N/A | N/A |
| KINGAROY S.C. | OPERATORS | EVAPORATION & BURIAL |
| KOLAN S.C. | SEWERED AREA GIN GIN | MIHOFF TANK - TRICKLING FILTER |
| LAIDLEY S.C. | CONTRACTORS | REFUSE TIP-BURIAL,SEWERAGE PLANT-AEROBIC TREATMENT |
| LOGAN C.C. | LICENSED TRANSPORTERS | SEWERAGE PLANTS |
| MAROOCHY S.C. | CLEANAWAY | GREASE TRAP DEWATERED & BURIED |
| | LICENSED TRANSPORTERS | SULLAGE DUMP |
| MARYBOROUGH C.C. | RESIDENTS/TRANSPORTERS | OIL STORAGE TANKS |
| | RESIDENTS/TRANSPORTERS | OIL STORAGE TANKS, PITS |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS WASTE ACCEPTED FROM (OTHER THAN CONNECTED SEWER WASTE) | SITE TREATMENT PROCESS | WASTE RECEIVED FROM OTHER SHIRES? |
|----------------------|--|--|--------------------------------------|
| | /COUNCIL | | |
| | RESIDENTS | PUBLIC REFUSE TIP | NO |
| MILLMERRAN S.C. | N/A | N/A | N/A |
| MONTO S.C. | N/A | N/A | N/A |
| MORETON S.C. | J.J. RICHARDS & SONS | SEWERAGE TREATMENT PLANT | NO |
| MUNDUBBERA S.C. | DOMESTIC | NOT SPECIFIED | NOT SPECIFIED |
| MURGON S.C. | N/A | N/A | N/A |
| MURILLA S.C. | SEPTIC OPERATORS | REFUSE TIP SPECIAL ADJACENT AREAS | NOT SPECIFIED |
| NANANGO S.C. | CONTRACTORS | SEWERAGE PLANTS | NO |
| NOOSA S.C. | CONTRACTOR | SEWERAGE PLANTS | NO |
| | CONTRACTOR | LAND FILL | NO |
| PERRY S.C. | N/A | N/A | N/A |
| PINE RIVERS S.C. | LICENSED TRANSPORTERS | SEWERAGE PLANTS | NO |
| PITTSWORTH S.C. | N/A | N/A | N/A |
| REDCLIFFE C.C. | PACIFIC WASTE M'MENT | SEWERAGE PLANT | NOT SPECIFIED |
| REDLAND S.C. | REGISTERED TRANSPORTERS | SEWERAGE PLANTS | YES |
| ROSALIE S.C. | CONTRACTORS | GOOMBURGEE(DRYING BED), YARRAMAN(SEWERAGE PLANT) | NO |
| ROSENTHAL S.C. | NOT SPECIFIED | CLAY PAN EVAPORATION | NOT SPECIFIED |
| STANTHORPE S.C. | CONTRACTORS & COUNCIL | AERATION & EARTH COVERAGE IN TRENCHES | NO |
| TARA S.C. | NOT SPECIFIED | SEWERAGE PLANTS | NOT SPECIFIED |
| TIARO S.C. | DOMESTIC | LANDFILL | NOT SPECIFIED |
| TOOWOOMBA C.C. | LICENSED TRANSPORTERS | WETALLA-SEWERAGE PLANT, BEDFORD STREET-LANDFILL | NO |
| WAGGAMBA S.C. | N/A | N/A | N/A |
| WAMBO S.C. | WITHIN SHIRE | DISUSED QUARRY PITS | NO |
| WARWICK C.C. | CONTRACTORS & COUNCIL | NOT SPECIFIED | YES |

**INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES**

LOCAL AUTHORITY LIQUID WASTE DISPOSAL SITE DETAILS

| | | | |
|-----------------------------|---|-------------------------------|---|
| LOCAL AUTHORITY NAME | WASTE ACCEPTED FROM | SITE TREATMENT PROCESS | WASTE RECEIVED FROM OTHER SHIRE/ST |
| | (OTHER THAN CONNECTED SEWER WASTE) | | |

| LOCAL AUTHORITY NAME | WASTE ACCEPTED FROM (OTHER THAN CONNECTED SEWER WASTE) | SITE TREATMENT PROCESS | WASTE RECEIVED FROM OTHER SHIRE/ST |
|----------------------|---|------------------------|------------------------------------|
| WONDAL S.C. | T&T SEPTIC | BURIAL | NO |
| WOOCOO S.C. | PRIVATE LAND HOLDERS | LANDFILL/TRENCH & FILL | UNKNOWN |
| WOONGARRA S.C. | CONTRACTORS | TRENCH BURIAL | NO |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

INDEPENDENT LIQUID WASTE TREATMENT PLANTS IN AREA
LIQUID WASTE TREATMENT PLANT NAME

| NAME | IS IT REGISTERED WITH THE AUTHORITY? | OPERATOR OF PLANT |
|------------------|--------------------------------------|-------------------|
| ALLORA S.C. | N/A | N/A |
| ALBERT S.C. | N/A | N/A |
| BEAUDESERT S.C. | NO | AS DESCRIBED |
| BRIGDEN S.C. | N/A | N/A |
| BOONAH S.C. | N/A | N/A |
| BIRBAHAM C.C. | YES | AS DESCRIBED |
| BUNDABERG C.C. | NOT SPECIFIED | AS DESCRIBED |
| CABOOLURE S.C. | YES | AS DESCRIBED |
| CALOUNDRA C.C. | NOT SPECIFIED | AS DESCRIBED |
| CAMBOOYA S.C. | N/A | N/A |
| CHINCHILLA S.C. | N/A | N/A |
| CLIFTON S.C. | N/A | N/A |
| COOLOOLA S.C. | N/A | N/A |
| CROWS NEST S.C. | N/A | N/A |
| DALBY T.C. | N/A | N/A |
| EDSVOLD S.C. | N/A | N/A |
| ESK S.C. | N/A | N/A |
| GATTON S.C. | YES | HENRY SEETO |
| GAYDAH S.C. | YES | M.A. O'BRIEN |
| GLENGALLAN S.C. | N/A | N/A |
| GOLD COAST C.C. | NOT SPECIFIED | ZAPPAWAY |
| GOONDIWINDI T.C. | N/A | N/A |
| HERVEY BAY S.C. | N/A | N/A |
| INGLEWOOD S.C. | N/A | N/A |
| IRSWICH C.C. | NOT SPECIFIED | N/A |
| ISIS S.C. | N/A | N/A |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

INDEPENDENT LIQUID WASTE TREATMENT PLANTS IN AREA
LIQUID WASTE TREATMENT PLANT NAME

IS IT REGISTERED
WITH THE AUTHORITY?

OPERATOR OF PLANT

| NAME | INDEPENDENT LIQUID WASTE TREATMENT PLANTS IN AREA LIQUID WASTE TREATMENT PLANT NAME | IS IT REGISTERED WITH THE AUTHORITY? | OPERATOR OF PLANT |
|------------------|--|---|---------------------|
| JONDARYN S.C. | NONE | N/A | N/A |
| KILCOY S.C. | NONE | N/A | N/A |
| KILKYAN S.C. | NONE | N/A | N/A |
| KINGARUY S.C. | NONE | N/A | N/A |
| KOLAN S.C. | NONE | N/A | N/A |
| LAIDLEY S.C. | NONE | N/A | N/A |
| LOGAN C.C. | AUSTRALIAN RESOURCE RECOVERY P/L GREASE TRAP PLANT MARSDEN | YES | AS DESCRIBED |
| MAROOCHY S.C. | VARIOUS INTERNAL PRE-TREATMENT PLANTS: YANDOKA GINGER FACTORY, VARIOUS PHOTOGRAPHIC PROCESSING BUSINESSES, NAMBOUR HOSPITAL | NOT SPECIFIED | AS DESCRIBED |
| MARBOROUGH C.C. | NOT SPECIFIED | | |
| MILLMERRAN S.C. | NONE | N/A | N/A |
| MONTO S.C. | NONE | N/A | N/A |
| MORETON S.C. | VARIOUS AERATED SEWERAGE PLANTS-CARAVAN PARKS, SERVICE STATIONS, MANUFACTURING INDUSTRIES & OTHERS | YES | VARIOUS GENERATORS |
| MUNDUBBERA S.C. | NONE | N/A | N/A |
| MURGOON S.C. | STH BURNETT MEAT WORKS & MURDOON LEATHER COY-ON SITE TREATMENT | NOT SPECIFIED | AS DESCRIBED |
| MURILLA S.C. | NONE | N/A | N/A |
| NANANGO S.C. | NONE | N/A | N/A |
| NOOSA S.C. | NONE | N/A | N/A |
| PERRY S.C. | NONE | N/A | N/A |
| PINE RIVERS S.C. | VARIOUS ON SITE PLANTS EQ. METAL PLATING | | |
| PITTSWORTH S.C. | NONE | N/A | N/A |
| REDCLIFFE C.C. | NONE | N/A | N/A |
| REDLAND S.C. | INGHAM CHICKENS ON SITE PLANT - CAPALABA & CLEVELAND PRIVATE WATER POLLUTION CONTROL WORKS - DUNWICH | YES | INGHAM CHICKENS |
| ROSALE S.C. | NONE | N/A | CONSOLIDATED RUTILE |
| ROSENTHAL S.C. | NONE | N/A | N/A |
| STANTHORPE S.C. | COUNTRY STYLE CARAVAN PARK, GLEN AFLIN | NO | MIR E SMITH |
| TARA S.C. | TARA, SUPAT DEVELOPMENT RD | NO | G. MANSFIELD |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

INDEPENDENT LIQUID WASTE TREATMENT PLANTS IN AREA
LIQUID WASTE TREATMENT PLANT NAME

NAME
IS IT REGISTERED
WITH THE AUTHORITY?
OPERATOR OF PLANT

| | | | |
|----------------|---|---------------|--------------|
| TIARO S.C. | NONE | N/A | N/A |
| TOOWOOMBA C.C. | ON-SITE TREATMENT PLANTS-TOOWOOMBA FOUNDRY & DIXONS TANNERY | NOT AS YET | ON-SITE |
| WAGGAHWA S.C. | NONE | N/A | N/A |
| WAMBO S.C. | NONE | N/A | N/A |
| WARWICK C.C. | WARWICK BACON COY-TREATS ITS ABATTORR WASTE | NOT SPECIFIED | AS DESCRIBED |
| WONDAL S.C. | NONE | N/A | N/A |
| WOODCOO S.C. | NONE | N/A | N/A |
| WOCHGARRA S.C. | NONE | N/A | N/A |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | TRANSPORTERS OF LIQUID WASTE | | DOES AUTHORITY REQUIRE REGISTRATION UNDER STATE LEGISLATION? |
|----------------------|------------------------------|----------------------------------|--|
| | NUMBER IN AREA | NUMBER REGISTERED WITH AUTHORITY | |
| ALLORA S.C. | 0 | 0 | NO |
| ALBERT S.C. | 6 | 6 | NOT SPECIFIED |
| BEAUDESERT S.C. | 3 | 3 | NO |
| BIGGENDEN S.C. | 0 | 0 | NO |
| BOONAH S.C. | 1 | 0 | YES |
| BRISBANE C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| BUNDBERG C.C. | 1 | 1 | NO |
| CABOOLTURE S.C. | 6 | 6 | NOT SPECIFIED |
| CALOUNDRA C.C. | 6 | 6 | NO |
| CAMBOOYA S.C. | NOT SPECIFIED | NOT SPECIFIED | NO |
| CHINCHILLA S.C. | > 1 | NOT SPECIFIED | NOT SPECIFIED |
| CLIFTON S.C. | 0 | 0 | N/A |
| COOLOOLA S.C. | 3 | 3 | YES |
| CROWS NEST S.C. | 3 | 3 | NO |
| DALBY T.C. | 2 | 0 | NO |
| EIOSVOLD S.C. | 0 | 0 | NO |
| ESK S.C. | 3 | 0 | NO |
| GATTON S.C. | 3 | 3 | YES |
| GAYDAH S.C. | 0 | 0 | N/A |
| GLENGALLAN S.C. | 0 | 0 | N/A |
| GOLD COAST C.C. | 6 GREASE TRAP | 6 GREASE TRAP | NOT SPECIFIED |
| GOONDIWINDI T.C. | 1 | 0 | NO |
| HERVEY BAY S.C. | 2 | NOT SPECIFIED | YES |
| INGLEWOOD S.C. | 0 | 0 | N/A |
| IPSWICH C.C. | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| LOCAL AUTHORITY NAME | TRANSPORTERS OF LIQUID WASTE NUMBER IN AREA | NUMBER REGISTERED WITH AUTHORITY | DOES AUTHORITY REQUIRE REGISTRATION UNDER STATE LEGISLATION? |
|----------------------|--|-------------------------------------|---|
| ISIS S.C. | 1 | 1 | NOT SPECIFIED |
| JONDARYN S.C. | >1 | 0 | NO |
| KILCOY S.C. | 1 | 1 | NO |
| KILKIVAN S.C. | 0 | 0 | N/A |
| KINGAROY S.C. | >3 | 3 | YES |
| KOLAN S.C. | 0 | 0 | N/A |
| LAIDLEY S.C. | 3 | 3 | YES |
| LOGAN C.C. | 8 | 8 | NOT SPECIFIED |
| MAROOCHY S.C. | 5 | 5 | YES |
| MARYBOROUGH C.C. | 3 | 3 | NO |
| MILLMERRAN S.C. | 0 | 0 | NOT SPECIFIED |
| MONTO S.C. | 0 | 0 | NOT SPECIFIED |
| MORETON S.C. | 1 | 1 | NOT SPECIFIED |
| MUNDUBBERA S.C. | 0 | 0 | NOT SPECIFIED |
| MURGON S.C. | 0 | 0 | N/A |
| MURILLA S.C. | >1 | >1 | NOT SPECIFIED |
| NANANGO S.C. | 2 | 0 | NOT SPECIFIED |
| NOOSA S.C. | 1 | 1 | NOT SPECIFIED |
| PERRY S.C. | 0 | 0 | NO |
| PINE RIVERS S.C. | 7 | 7 | NOT SPECIFIED |
| PITTSWORTH S.C. | 0 | 0 | NOT SPECIFIED |
| REDCLIFFE C.C. | 1 | 1 | YES |
| REDLAND S.C. | 8 | 8 | NOT SPECIFIED |
| ROSALIE S.C. | 2 | 0 | NO |
| ROSENTHAL S.C. | 2 | 0 | NO |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
 SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

TRANSPORTERS OF LIQUID WASTE
 LOCAL AUTHORITY NAME NUMBER IN AREA NUMBER REGISTERED WITH AUTHORITY DOES AUTHORITY REQUIRE REGISTRATION UNDER STATE LEGISLATION?

| | | | |
|-----------------|----|---|---------------|
| STANTHORPE S.C. | 3 | 0 | NO |
| TARA S.C. | >1 | 0 | NO |
| TIARO S.C. | 2 | 2 | NO |
| TOOWOOMBA C.C. | 5 | 5 | NOT SPECIFIED |
| WAGGAMBA S.C. | 1 | 0 | NO |
| WAMBO S.C. | 3 | 0 | NO |
| WARWICK C.C. | 1 | 0 | NO |
| WONDAI S.C. | 0 | 0 | YES |
| WOOCOO S.C. | >1 | 0 | NO |
| WOONGARRA S.C. | 1 | 0 | NO |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

DOCKET SYSTEMS USED IN AREA CONTRACTS HELD WITH TRANSPORTERS FOR THE FOLLOWING TYPES OF WASTE

LOCAL AUTHORITY NAME

| | | | |
|-----------------|--|------|---|
| ALLORA S.C. | NONE | NONE | NONE |
| ALBERT S.C. | TRANSPORTER COY. & COUNCIL DKT SYSTEM | | NONE |
| BEAUDESERT S.C. | SERVICE DOCKETS FROM CONTRACTOR | | CLEANAWAY - WASTE WATER FROM COVERED PLACES, SEPTIC TANK, NIGHTSOIL |
| BIGGENDEN S.C. | NONE | | NONE |
| BOONAH S.C. | NONE | | NONE |
| BRISBANE C.C. | GREASE TRAP 3 DKT, NON-SEWERABLE WASTE 5 DKT. SYSTEM | | NONE SPECIFIED |
| BUNDEBERG C.C. | NONE | | FANGATE PTY LTD TRADING AS BURNETT GREASE TRAP - GREASE TRAP WASTE |
| CABOOLTURE S.C. | 3 DOCKET SYSTEM FOR SEPTIC/GREASE TRAP/HOLDING TANK WASTE | | HUNTER BROS.-SEPTIC & SEWAGE HOLDING TANKS WITHIN A DEFINED COLLECTION AREA |
| CALOUNDRA C.C. | NONE | | JJ RICHARDS & SONS P/L-COVER PLATE WASTE,SEPTIC TANKS. |
| CAMBOOYA S.C. | NONE | | NONE |
| CHINCHILLA S.C. | NONE | | NONE |
| CLIFTON S.C. | NONE | | NONE |
| COOLOOLA S.C. | NONE | | CLEANAWAY-GREASE TRAP & SEPTIC IN GYMPIE CITY, K&C PAYNE & LAO REIBEL-REFUSE NIGHT SOIL & SEPTIC TANK WASTE. |
| CROWS NEST S.C. | NONE | | NONE |
| DALBY T.C. | DOCKETS USED, EXCEPT WASTE OIL | | JJ RICHARDS & SONS P/L-CONTAMINATED,DANGEROUS/HAZARDOUS WASTE,SEPTIC |
| EIDSVOLD S.C. | NONE | | NONE |
| ESK S.C. | NOT SPECIFIED | | NONE |
| GATTON S.C. | SEWERAGE PLANT-TRANSPORTER DOCKET NIGHTSOIL DEPOT-COUNCIL INVOICE | | NONE |
| GAYDAH S.C. | NOT SPECIFIED | | NOT SPECIFIED |
| GLENGALLAN S.C. | NONE | | NONE |
| GOLD COAST C.C. | GREASE TRAP 3 DKT,ONLY WATER 3 DKT | | CLEANAWAY-SEWAGE/SULLAGE/SEPTIC/GREASE TRAP(FROM OUTLYING AREAS) |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

DOCKET SYSTEMS USED IN AREA

LOCAL AUTHORITY NAME

| LOCAL AUTHORITY NAME | DOCKET SYSTEMS USED IN AREA | CONTRACTS HELD WITH TRANSPORTERS FOR THE FOLLOWING TYPES OF WASTE |
|----------------------|---|---|
| GOONDIWINDI T.C. | NONE | NONE |
| HERVEY BAY S.C. | YES, THREE DOCKET SYSTEM | CLEANAWAY & HERVEY BAY SEPTICS - GREASE TRAP & SEPTIC |
| INGLEWOOD S.C. | NONE | NOT SPECIFIED |
| IPSWICH C.C. | INTERNAL SEPTIC DOCKET SYSTEM, ZAPPAWAY MTHLY GREASE TRAP SERVICE SCHEDULES & DOCKETS | TRANSPACIFIC INDUSTRIES P/L ZAPPAWAY CONTRACT-GREASE TRAP WASTE |
| ISIS S.C. | NOT SPECIFIED | STELBURN P/L - SEPTIC & GREASE TRAP |
| JONDARYAN S.C. | NONE | NONE |
| KILCOY S.C. | NONE | NONE |
| KILKIVAN S.C. | NONE | NONE |
| KINGARROY S.C. | NONE | NONE |
| KOLAN S.C. | NONE | STELBURN PTY LTD - SEPTIC OUTSIDE SEWERED AREA |
| LAIDLEY S.C. | NONE | JJ RICHARDS & SONS P/L-LIQUESCENT INDUSTRIAL REFUSE & NIGHTSOIL |
| LOGAN C.C. | BCC 3 DOCKET FOR GREASE TRAP, BCC 5 DOCKET | NOT SPECIFIED |
| MAROOCHY S.C. | PROPOSED 4 DOCKET SYSTEM | CLEANAWAY-REFUSE,NIGHT SOIL, DEAD ANIMALS,WASTE WATER ETC. |
| MARYBOROUGH C.C. | CONTRACTOR MONTHLY RETURNS | NONE |
| MILLMERRAN S.C. | NONE | NONE |
| MONTO S.C. | NOT SPECIFIED | NOT SPECIFIED |
| MORETON S.C. | 3 DOCKET SYSTEM | JJ RICHARDS & SONS & THEIR SUBCONTRACTORS-SEPTIC,GREASE TRAP& OTHER |
| MUNDURBERA S.C. | NOT SPECIFIED | NONE |
| MURGOON S.C. | NONE | NONE |
| MURILLA S.C. | NONE | NONE |
| NANANGO S.C. | NONE | NONE |
| NOOSA S.C. | 2 DOCKET BILLING SYSTEM | SUTTONS CLEANING SERVICE-HOLDING TANK WASTE |
| PERRY S.C. | NONE | NONE |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

DOCKET SYSTEMS USED IN AREA CONTRACTS HELD WITH TRANSPORTERS FOR THE FOLLOWING TYPES OF WASTE

LOCAL AUTHORITY NAME

| | | |
|------------------|---|--|
| PINE RIVERS S.C. | BRENDALE RECEIVAL REGISTER, MONTHLY TRANSPORTER SERVICE REPORTS, | NONE SPECIFIED |
| PITTSWORTH S.C. | WILLAWONG & DOCKET FORM COPY | NONE |
| REDCLIFFE C.C. | PACIFIC WASTE DELIVERIES TO SEWERAGE PLANTS/MONTHLY SERVICES LIST | PACIFIC WASTE MANAGEMENT PTY LTD - ALL LIQUID WASTE EXCEPT RECYCLABLE WASTE OIL & PORTABLE TOILETS |
| REDLAND S.C. | BCC 3 DOCKET SYSTEM FOR GREASE TRAP | J.J. RICHARDS & SONS PTY LTD - SEPTIC WASTE |
| ROSALIE S.C. | NONE | NONE |
| ROSENTHAL S.C. | NONE | NONE |
| STANTHORPE S.C. | NONE | NONE |
| TARA S.C. | NONE | NONE |
| TIARO S.C. | NONE | NONE |
| TOOWOOMBA C.C. | 4 DOCKET-LANDFILL SITE, WETALLA-SEWERAGE DOCKETS | NOT SPECIFIED |
| WAGGAMBA S.C. | NONE | NONE |
| WAMBO S.C. | NONE | NONE |
| WARWICK C.C. | NONE | NONE |
| WONDAL S.C. | NONE | NONE |
| WOOCOO S.C. | NONE | NONE |
| WOONGARRA S.C. | NONE | WASTE CONTROL P/L - SEPTIC TANK WASTE |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

COMPLAINTS LODGED WITH AUTHORITY RE COLLECTION & DISPOSAL OF LIQUID WASTE

LOCAL AUTHORITY NAME

| | |
|-----------------|--|
| ALLORA S.C. | NONE |
| ALBERT S.C. | COMPLAINT OF UNAUTHORISED CLEANAWAY TRUCK NEAR JACOBS WELL - CLEANAWAY ADVISED DIDN'T KNOW WHY THE VEHICLE WAS IN AREA. |
| BEAUDESERT S.C. | COMPLAINTS RE CONTRACTOR FEE CHARGES, NON-APPROVED OPERATORS IN AREA |
| BIGGENDEN S.C. | NONE |
| BOONAH S.C. | 2, 1 RE SEPTIC & 1 RE TRANSPORTER FROM ANOTHER SHIRE OPERATING IN AREA |
| BRISBANE C.C. | 6 EXAMPLES OF PROSECUTION ACTION DESCRIBED BY GREG O'BIRNEN OF BCC FROM 1982-85 |
| BUNDABERG C.C. | GALVANISING PLANT-WASTE SCATTERED AT REAR OF PLANT ON LAND. PLANT CLOSED FOR FINANCIAL REASONS AFTER THIS INCIDENT. |
| CABOOLTURE S.C. | 1. 28/7/93 OIL SPILL IN SALTWATER CREEK NERANGBA-SOURCE NOT CERTAIN 2. PETROL ODOURS NOTED AT AERODROME RD & CABOOLTURE PUMP STATION-SOURCE NOT KNOWN |
| CALOUNDRA C.C. | 3. INDUSTRIAL ODOURS NOTED AT NARANGBA INDUSTRIAL ESTATE PUMP STATION-SOURCE NOT KNOWN NO COMPLAINTS IN LAST TWO YEARS (AS AT 14/12/83) |
| CAMBOOYA S.C. | NONE |
| CHINCHILLA S.C. | NONE |
| CLIFTON S.C. | NOT SPECIFIED |
| COOLOOLA S.C. | ALLEGEDLY A TRUCK DEPOSITED WASTE INTO SEWER AT COOLOOLA VILLAGE (APPROX. 14/12/90) - NO EVIDENCE NOTED BY COUNCIL |
| CROWS NEST S.C. | NONE |
| DALBY T.C. | NONE |
| EIDSVOID S.C. | NONE |
| ESK S.C. | NONE |
| GATTON S.C. | ALLEGED DISPOSAL OF SEPTIC TANK AND/OR GREASE TRAP WASTE ON RURAL LAND -OPERATOR CONTACTED & DIRECTED TO CEASE,NO FURTHER COMPLAINTS |
| GAYDAH S.C. | NOT SPECIFIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

COMPLAINTS LOGGED WITH AUTHORITY RE COLLECTION & DISPOSAL OF LIQUID WASTE

LOCAL AUTHORITY NAME

| | | |
|------------------|---|--|
| GLENGALLAN S.C. | NONE | |
| GOLD COAST C.C. | INSTANCES OF ILLEGAL DISCHARGES OF OIL VIA STORMWATER DRAINS | |
| GOONDIWINDI T.C. | NONE | |
| HERVEY BAY S.C. | NONE | |
| INGLEWOOD S.C. | NONE | |
| IPSWICH C.C. | NOT SPECIFIED | |
| ISIS S.C. | NONE | |
| JONDARYAN S.C. | NONE | |
| KILCOY S.C. | NONE | |
| KILKIVAN S.C. | NONE | |
| KINGARROY S.C. | NONE | |
| KOLAN S.C. | SEPTIC WASTE COLLECTORS OPERATING IN AREA WITHOUT COUNCIL APPROVAL | |
| LAIDLEY S.C. | 1. DISCHARGE OF SUSPENDED SOLIDS BY VEGETABLE PROCESSOR TO SEWER | |
| LOGAN C.C. | 50 DIFFERENT COMPLAINTS DURING PERIOD 20/02/90 TO 25/10/93 | |
| MAROOCHY S.C. | 1. GREASE TRAP WASTE DEPOSITED INTO COOLUM SEWERAGE PLANT BY CLEANAWAY - COMPANY FINED \$200 | |
| | 2. MANHOLE LIFTED NEAR MAROOCHY AIRPORT & EVIDENCE OF MOVEMENT OF DRUMS NOTED - OFFENDER COULDN'T BE TRACED | |
| MARYBOROUGH C.C. | 3. EUDLO CREEK SEWERAGE PLANT OPERATOR NOTED GREASE TRAP AMONGST SEWERAGE DISPOSAL OF OIL INTO STORMWATER DRAINS. IDENTITY OF OFFENDER UNKNOWN | |
| MILLMERRAN S.C. | NONE | |
| MONTO S.C. | NOT SPECIFIED | |
| MORETON S.C. | 1. DISPOSAL OF WASTE IN ABANDONED COAL MINING AREAS (REDBANK & SWANBANK) - INVESTIGATIONS BY COUNCIL HAVE NOT BEEN CONCLUSIVE | |
| | 2. WASH DOWN OF EMULSION TRUCK USING HYDROCARBONS ONTO STREAM BANK | |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

COMPLAINTS LOGGED WITH AUTHORITY RE COLLECTION & DISPOSAL OF LIQUID WASTE

LOCAL AUTHORITY NAME

| | |
|------------------|---|
| | - OFFENDER PROSECUTED UNDER LITTER ACT |
| | 3. JI RICHARDS & SONS ALLEGEDLY TANKERING LIQUID WASTE INTO ITS LANDFILL |
| | - ALLEGATION NOT CORRECT |
| | 4. LIQUID WASTE, PRESUMABLY SEPTIC, DUMPED ON ROADSIDES & PADDOCKS |
| | - INVESTIGATIONS BY COUNCIL HAVE NOT BEEN CONCLUSIVE |
| | 5. TRANSPORTER OPERATING IN AREA WITHOUT A LICENSE |
| | - OFFENDER BEING PROSECUTED |
| | 6. FOUL SMELL EMANATING FROM GREASE TRAP DISPOSAL AT IPSWICH CITY COUNCIL |
| | BRIGGS STREET DEPOT - OPERATIONS AT SITE AMENDED TO REDUCE SMELL |
| MUNDUBBERA S.C. | NONE |
| MURGOON S.C. | NONE |
| MURILLA S.C. | NONE |
| NANANGO S.C. | NONE |
| NOOSA S.C. | VARIOUS DISPOSAL COMPLAINTS RE ILLEGAL DISCHARGE INTO SEWER SYSTEM |
| | - NO SUBSTANTIATION |
| PERRY S.C. | NONE |
| PINE RIVERS S.C. | MINOR COMPLAINTS RE DISCHARGE INTO STORMWATER DRAIN |
| PITTSWORTH S.C. | NONE |
| REDCLIFFE C.C. | OCCASIONAL RESIDENT COMPLAINTS OF OIL OR POLLUTANTS INTO WATERWAYS |
| | 1991/92 SEWERAGE PLANTS RECEIVED SUDDEN LARGE FLOWS IN MORNING & OIL |
| | - SUSPECTED TANKER DISCHARGES |
| REDLAND S.C. | OCCASIONAL ILLEGAL DISCHARGES INTO SEWERAGE SYSTEM |
| ROSALIE S.C. | NONE |
| ROSENTHAL S.C. | NONE |
| STANTHORPE S.C. | 1. CONTRACTOR IMPROPERLY DISPOSING OF SEPTIC |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

COMPLAINTS LOGGED WITH AUTHORITY RE COLLECTION & DISPOSAL OF LIQUID WASTE

LOCAL AUTHORITY NAME

| | |
|----------------|---|
| TARA S.C. | NONE |
| TIARO S.C. | NONE |
| TOOWOOMBA C.C. | OCCASIONAL IMPROPER DISPOSAL TO STORMWATER DRAINS BY GENERATORS |
| WAGGAMBA S.C. | NONE |
| WAMBO S.C. | NONE |
| WARWICK C.C. | NONE |
| WONDAL S.C. | NONE |
| WOOCOO S.C. | NONE |
| WOONGARRA S.C. | NONE |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

NAME SATISFIED WITH CURRENT REGULATIONS
& POLICIES FOR COLLECTION &
DISPOSAL OF LIQUID WASTE?

LOCAL AUTHORITY POLICY BEING REASSESSED IN FOLLOWING AREAS

| | | |
|------------------|---------------------|--|
| ALLORA S.C. | YES | NO REASSESSMENT |
| ALBERT S.C. | NOT SPECIFIED | NOT SPECIFIED |
| BEAULIEBERT S.C. | NO | NOT SPECIFIED |
| BIGGENDEN S.C. | YES | NOT SPECIFIED |
| BOONAH S.C. | NO | COLLECTION & DISPOSAL OF LIQUID WASTE IN COUNCILS AREA OF ADMINISTRATION |
| BRISBANE C.C. | NO | NOT SPECIFIED |
| BUNDABERG C.C. | NOT SPECIFIED | EXAMINING DPI MODEL TRADE WASTE POLICY: MAY BE ADOPTED |
| CABOULTURE S.C. | NOT SPECIFIED | NOT SPECIFIED |
| CALOUNDRA C.C. | NO | LIKELY TO ADOPT STANDARDS DRAFTED BY DPI IN MODEL TRADE WASTE POLICY |
| CAMBOOYA S.C. | YES | NO REASSESSMENT |
| CHINCHILLA S.C. | NO | NOT SPECIFIED |
| CLIFTON S.C. | YES | NO REASSESSMENT |
| COOLOOLA S.C. | NOT SPECIFIED | REVIEW WASTE SITUATION ESTABLISHING POLICIES RE GENERATOR REGISTER, ENSURE WASTE DEALT WITH APPROPRIATELY, DOCKET SYSTEM. |
| CROWS NEST S.C. | YES | NO REASSESSMENT |
| DALBY T.C. | YES | NO REASSESSMENT |
| EIDSVOLD S.C. | YES | NO REASSESSMENT |
| ESK S.C. | YES | NO REASSESSMENT |
| GATTON S.C. | GENERALLY SATISFIED | POLICY WILL BE REVIEWED BASED UPON RESULTS OF THE INQUIRY |
| GAYNDAH S.C. | NOT SPECIFIED | NOT SPECIFIED |
| GLENGALLAN S.C. | YES | NO REASSESSMENT |
| GOLD COAST C.C. | NOT SPECIFIED | NOT SPECIFIED |
| GOONDIWINDI T.C. | NO | TO BE REASSESSED WHEN ENVIRONMENTAL PROTECTION LEGISLATION FINALISED |
| HERVEY BAY S.C. | YES | NO REASSESSMENT |
| INGLEWOOD S.C. | NOT SPECIFIED | NOT SPECIFIED |
| IRSWICH C.C. | NOT SPECIFIED | NOT SPECIFIED |
| IRSB S.C. | NOT SPECIFIED | NOT SPECIFIED |
| JONDARYAN S.C. | YES | NO REASSESSMENT |
| KILCOY S.C. | YES | NOT SPECIFIED |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| NAME | SATISFIED WITH CURRENT REGULATIONS & POLICIES FOR COLLECTION & DISPOSAL OF LIQUID WASTE? | LOCAL AUTHORITY POLICY BEING REASSESSED IN FOLLOWING AREAS |
|------------------|--|---|
| KILKIVAN S.C. | YES | A TRADE WASTE POLICY IS PROPOSED TO BE ESTABLISHED IN THE NEAR FUTURE |
| KINGAROY S.C. | YES | NOT SPECIFIED |
| KOLAN S.C. | NOT SPECIFIED | COUNCIL ADVISE THERE IS NO FORMAL POLICY TO REASSESS |
| LAIDLAY S.C. | NO | TO REASSESS TRADE WASTE POLICY |
| LODAN C.C. | NOT SPECIFIED | NOT SPECIFIED |
| MAROOCHY S.C. | NOT SPECIFIED | ONGOING DEVELOPMENT OF ITS REGULATIONS & POLICIES, IMPLEMENTATION OF TRADE WASTE POLICY, DPI JOINT VENTURE RE RECYCLING WASTE |
| MARTBOROUGH C.C. | YES | WILL REVISE ITS POLICIES AS CONSIDERED NECESSARY |
| WILLABRAM S.C. | NOT SPECIFIED | NOT SPECIFIED |
| MORFLO S.C. | YES | NOT SPECIFIED |
| MORETON S.C. | NOT SPECIFIED | NOT SPECIFIED |
| MUNDUBBERA S.C. | YES | NOT SPECIFIED |
| MURCH S.C. | YES | NO REASSESSMENT |
| MURILLA S.C. | NOT SPECIFIED | D.P.I. MODEL TRADE WASTE POLICY BEING ASSESSED |
| NANANGO S.C. | YES | NO REASSESSMENT |
| NOOSA S.C. | NOT SPECIFIED | POLICY ON WASTE DISPOSAL IN INDUSTRIAL AREAS |
| PERRY S.C. | YES | NOT SPECIFIED |
| PINE RIVERS S.C. | NOT SPECIFIED | NOT SPECIFIED |
| PITTSWORTH S.C. | NOT SPECIFIED | NOT SPECIFIED |
| REDCLIFFE C.C. | NOT SPECIFIED | NOT SPECIFIED |
| REDLAND S.C. | NOT SPECIFIED | NOT SPECIFIED |
| ROSALE B.C. | YES | NO REASSESSMENT |
| ROSENTHAL S.C. | YES | NO REASSESSMENT |
| STANTHORPE S.C. | NO | POLICIES BEING DEVELOPED AS PART OF COUNCIL'S TOTAL MANAGEMENT PLAN |
| TARA S.C. | YES | NO REASSESSMENT |
| TIARO S.C. | NO DETERMINATION MADE | NOT SPECIFIED |
| TOOWOOMBA C.C. | NOT SPECIFIED | NOT SPECIFIED |
| WAGGAMBA S.C. | YES | REASSESSED WHEN ENVIRONMENTAL PROTECTION LEGISLATION IS EMPOWERED |
| WAMBO S.C. | YES | NO REASSESSMENT |

INQUIRY INTO IMPROPER DISPOSAL OF LIQUID WASTE IN SOUTH EAST QUEENSLAND
 SUMMARY OF INFORMATION RECEIVED FROM LOCAL AUTHORITIES

| NAME | SATISFIED WITH CURRENT REGULATIONS & POLICIES FOR COLLECTION & DISPOSAL OF LIQUID WASTE? | LOCAL AUTHORITY POLICY BEING REASSESSED IN FOLLOWING AREAS |
|----------------|--|--|
| WARWICK C.C. | NO | IDENTIFIES A NEED FOR A LIQUID WASTE DISPOSAL POLICY |
| WONDAL S.C. | YES | TO BE REASSESSED AFTER COMPLETION OF LIQUID WASTE INQUIRY |
| WOODCOO S.C. | YES | NOT SPECIFIED |
| WOONGARRA S.C. | YES | NO REASSESSMENT |

APPENDIX 5

**SUMMARY OF INFORMATION
WITH RESPECT TO LOCAL AUTHORITIES
IN QUEENSLAND
PREPARED BY MR G SPARKS OF TRANSPACIFIC**

| LOCAL AUTHORITY | SEWERED | TRADE WASTE POLICY | TRADE WASTE OFFICER | OWN CHEM LAB | COMMENTS |
|-----------------|---------|--------------------|---------------------|--------------|--|
| ALBERT | YES | YES | YES | NO | LAB BUILT BUT NO STAFF - SIMONDS & BRISTOW |
| ALLORA | NO | NO | NO | NO | |
| ARAMAC | YES | NO | NO | NO | |
| ATHERTON | YES | NO | NO | NO | |
| AURUKUN | YES | NO | NO | NO | |
| BALORNE | YES | NO | NO | NO | |
| BARANA | YES | NO | NO | NO | |
| BARCALDINE | YES | NO | NO | NO | |
| BARCOO | NO | NO | NO | NO | |
| BAUHIRIA | YES | NO | NO | NO | |
| BEAUDESERT | YES | NO | NO | NO | IN PROCESS OF DEVELOPING TRADE WASTE POLICY |
| BELYANDO | YES | NO | NO | NO | |
| BIGGENDEN | YES | NO | NO | NO | HEALTH INSPECTOR IS THE TRADE WASTE INSPECTOR |
| BLACKALL | YES | NO | NO | NO | |
| BOONAH | YES | NO | NO | NO | |
| BOORINGA | YES | NO | NO | NO | |
| BOULIA | YES | NO | NO | NO | IN PROCESS OF DEVELOPING TRADE WASTE POLICY |
| BOWEN | YES | NO | NO | NO | 4 WEEKS OFF DEVELOPING A TRADE WASTE POLICY |
| BRISBANE | YES | YES | YES | YES | |
| BROADSOUND | YES | NO | NO | NO | |
| BULLDO | NO | NO | NO | NO | |
| BUNDABERG | YES | NO | YES | NO | |
| BUNGIL | YES | NO | NO | NO | |
| BURDEKIN | YES | NO | NO | NO | |
| BURKE | YES | NO | NO | NO | |
| CABOOLTURE | YES | YES | YES | NO | USE GOVERNMENT LAB |
| CAIRNS | YES | YES | YES | YES | ADV. HEALTH INSPECTOR FOR A TRADE WASTE INSPECTOR |
| CALLIOPE | YES | NO | NO | NO | |
| CALOUNDRA | YES | YES | YES | YES | ADMINISTRATIVE NOW FOR A TRADE WASTE INSPECTOR |
| CAMBOOYA | YES | NO | YES | NO | |
| CARDWELL | YES | NO | NO | NO | |
| CARPENTARIA | YES | NO | NO | NO | |
| CHARTERS TOWERS | YES | NO | NO | NO | |
| CHINCHILLA | YES | NO | YES | NO | ENVIRONMENTAL OFFICER IS THE TRADE WASTE INSPECTOR |
| CLIFTON | YES | NO | NO | NO | |
| CLONCURRY | YES | NO | NO | NO | |
| COOK | YES | NO | NO | NO | |
| CROWDS NEST | YES | NO | NO | NO | |
| CROYDON | NO | NO | NO | NO | |
| DALBY | YES | NO | NO | NO | |
| DALRYMPLE | NO | NO | NO | NO | |
| DIAMANTINA | NO | NO | NO | NO | |
| DOUGLAS | YES | NO | NO | NO | |
| DAURINGA | YES | YES | YES | NO | |
| EACHAM | NO | NO | NO | NO | |
| EIDSVOLD | YES | NO | NO | NO | |
| EMERALD | YES | NO | NO | NO | |
| ESK | YES | NO | NO | NO | HAVE TWO HEALTH INSPECTORS |
| ETHERIDGE | NO | NO | NO | NO | |
| FITZROY | YES | NO | NO | NO | HEALTH INSPECTOR IS THE TRADE WASTE INSPECTOR |
| FLINDERS | YES | NO | NO | NO | |
| GATTON | YES | NO | NO | NO | |
| GAYNDAH | YES | NO | NO | NO | |
| GLADSTONE | YES | NO | NO | NO | |
| GLENGALLAN | NO | NO | NO | NO | |
| GOLD COAST | YES | YES | YES | YES | |
| GOOBURRUM | | | | | |
| GOODRIVINGTON | YES | NO | NO | NO | |
| GYMPIE | YES | NO | NO | NO | |
| HERBERTON | YES | NO | NO | NO | |
| HERVEY BAY | YES | YES | YES | YES | |
| HINCHINBROOK | YES | NO | NO | NO | |
| ILFRACOMBE | NO | NO | NO | NO | |
| INGLEWOOD | YES | NO | NO | NO | USE ENVIRONMENTAL HEALTH OFFICER |
| IPSWICH | YES | YES | YES | YES | |
| ISIS | YES | NO | NO | NO | |
| ISISFORD | NO | NO | NO | NO | |
| JERICO | NO | NO | NO | NO | |
| JOHNSTONE | YES | NO | NO | NO | |
| JONDARYN | YES | NO | NO | NO | ENVIRONMENTAL HEALTH OFFICER DOES ANNUAL INSPECTIONS |
| KILCOY | | | | | |
| KILKIVAN | YES | NO | NO | NO | |
| KINGAROY | YES | NO | NO | NO | |
| KOLAH | | | | | |
| LAILY | YES | NO | NO | NO | |



**Published Reports/Papers of the
Criminal Justice Commission**

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|--|--|--------------|
| May 1990 | Reforms in Laws Relating to Homosexuality - an Information Paper | Out of Print | - |
| May 1990 | Report on Gaming Machine Concerns and Regulations | In stock as at time of printing of this report | \$12.40 |
| September 1990 | Criminal Justice Commission Queensland Annual Report 1989-1990 | Out of Print | - |
| November 1990 | SP Bookmaking and Other Aspects of Criminal Activity in the Racing Industry - an Issues Paper | Out of Print | - |
| February 1991 | Directory of Researchers of Crime and Criminal Justice - <i>Prepared in conjunction with the Australian Institute of Criminology</i> | Out of Print | - |
| March 1991 | Review of Prostitution - Related Laws in Queensland - an Information and Issues Paper | Out of Print | - |
| March 1991 | The Jury System in Criminal Trials in Queensland - an Issues Paper | Out of Print | - |
| April 1991 | Submission on Monitoring of the Functions of the Criminal Justice Commission | Out of Print | - |
| May 1991 | Report on the Investigation into the Complaints of James Gerrard Soorley against the Brisbane City Council | Out of Print | - |
| May 1991 | Attitudes Toward Queensland Police Service - A Report (Survey by REARK) | Out of Print | - |
| June 1991 | The Police and the Community, Conference Proceedings - <i>Prepared in conjunction with the Australian Institute of Criminology following the conference held 23-25 October, 1990 in Brisbane</i> | Out of Print | - |

(ii)

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|--|--|--------------|
| July 1991 | Report on a Public Inquiry into Certain Allegations against Employees of the Queensland Prison Service and its Successor, the Queensland Corrective Services Commission | In stock as at time of printing of this report | \$12.00 |
| July 1991 | Complaints against Local Government Authorities in Queensland - Six Case Studies | Out of Print | - |
| July 1991 | Report on the Investigation into the Complaint of Mr T R Cooper, MLA, Leader of the Opposition against the Hon T M Mackenroth, MLA, Minister for Police and Emergency Services | In stock as at time of printing of this report | \$12.00 |
| August 1991 | Crime and Justice in Queensland | In stock as at time of printing of this report | \$15.00 |
| September 1991 | Regulating Morality? An inquiry into Prostitution in Queensland | In stock as at time of printing of this report | \$20.00 |
| September 1991 | Police Powers - an Issues Paper | In stock as at time of printing of this report | No charge |
| September 1991 | Criminal Justice Commission Annual Report 1990/91 | In stock as at time of printing of this report | No charge |
| November 1991 | Report on a Public Inquiry into Payments made by Land Developers to Aldermen and Candidates for Election to the Council of the City of Gold Coast | In stock as at time of printing of this report | \$15.00 |
| November 1991 | Report on an Inquiry into Allegations of Police Misconduct at Inala in November 1990 | Out of Print | - |
| December 1991 | Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986-1989 Queensland Legislative Assembly | Out of Print | - |

(iii)

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|---|--|--------------|
| January 1992 | Report of the Committee to Review the Queensland Police Service Information Bureau | Out of Print | - |
| February 1992 | Queensland Police Recruit Study, Summary Report #1 | In stock as at time of printing of this report | No charge |
| March 1992 | Report on an Inquiry into Allegations made by Terrance Michael Mackenroth MLA the Former Minister for Police and Emergency Services; and Associated Matters | Out of Print | - |
| March 1992 | Youth, Crime and Justice in Queensland - An Information and Issues Paper | Out of Print | - |
| March 1992 | Crime Victims Survey - Queensland 1991 <i>A joint Publication produced by Government Statistician's Office, Queensland and the Criminal Justice Commission</i> | In stock as at time of printing of this report | \$15.00 |
| June 1992 | Forensic Science Services Register | Out of Print | - |
| September 1992 | Criminal Justice Commission Annual Report 1991/1992 | In stock as at time of printing of this report | No charge |
| September 1992 | Beat Area Patrol - A Proposal for a Community Policing Project in Toowoomba | Out of Print | - |
| October 1992 | Pre-Evaluation Assessment of Police Recruit Certificate Course | In stock as at time of printing of this report | No charge |
| November 1992 | Report on S.P. Bookmaking and Related Criminal Activities in Queensland <i>(Originally produced as a confidential briefing paper to Government in August 1991)</i> | In stock as at time of printing of this report | \$15.00 |
| November 1992 | Report on the Investigation into the Complaints of Kelvin Ronald Condren and Others | Out of Print | - |

(iv)

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|--|--|--------------------|
| November 1992 | Criminal Justice Commission Corporate Plan 1992-1995 | In stock as at time of printing of this report | No charge |
| January 1993 | First Year Constable Study Summary Report #2 | In stock as at time of printing of this report | No charge |
| May 1993 | Report on a Review of Police Powers in Queensland Volume I: An Overview | In stock as at time of printing of this report | \$15.00 per set |
| | Report on a Review of Police Powers in Queensland Volume II: Entry Search & Seizure | In stock as at time of printing of this report | |
| July 1993 | Cannabis and the Law in Queensland A Discussion Paper | In stock as at time of printing of this report | No charge |
| August 1993 | Report by the Honourable W J Carter QC on his Inquiry into the Selection of the Jury for the trial of Sir Johannes Bjelke-Petersen | In stock as at time of printing of this report | \$15.00 |
| August 1993 | Statement of Affairs | In stock as at time of printing of this report | No charge |
| September 1993 | Report on the Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission | In stock as at time of printing of this report | No charge |
| September 1993 | Criminal Justice Commission Annual Report 1992/93 | In stock as at time of printing of this report | No charge |
| November 1993 | Corruption Prevention Manual | In stock as at time of printing of this report | \$30.00 |
| November 1993 | Report on a Review of Police Powers in Queensland Volume III: Arrest Without Warrant, Demand Name and Address and Move-On Powers | In stock as at time of printing of this report | \$10.00 |

(v)

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|--|--|--------------|
| December 1993 | Recruitment and Education in the Queensland Police Service: A Review | In stock as at time of printing of this report | \$10.00 |
| December 1993 | Corporate Plan 1993-1996 | In stock as at time of printing of this report | No charge |
| February 1994 | Murder in Queensland: A Research Paper | In stock as at time of printing of this report | No charge |
| March 1994 | A Report of an Investigation into the Arrest and Death of Daniel Alfred Yock | Out of Print | - |
| April 1994 | Report by the Honourable RH Matthews QC on his Investigation into the Allegations of Lorrelle Anne Saunders Concerning the Circumstances Surrounding her being Charged with Criminal Offences in 1982, and Related Matters: Volume I and Volume II | In stock as at time of printing of this report | \$10.00 |
| May 1994 | Report on a Review of Police Powers in Queensland Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention | In stock as at time of printing of this report | \$10.00 |
| June 1994 | Report on an Investigation into Complaints against six Aboriginal and Island Councils | In stock as at time of printing of this report | \$10.00 |
| June 1994 | Report on Cannabis and the Law in Queensland | In stock as at time of printing of this report | \$10.00 |
| July 1994 | Report by the Criminal Justice Commission on its Public Hearings Conducted by The Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland Volume 1: Report Regarding Evidence Received on Mining Issues | In stock as at time of printing of this report | \$5.00 |

| <u>Date of Issue</u> | <u>Title</u> | <u>Availability</u> | <u>Price</u> |
|----------------------|--|--|--------------|
| August 1994 | Implementation of Reform within the Queensland Police Service, the Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations | In stock as at time of printing of this report | \$10.00 |
| August 1994 | Statement of Affairs | In stock as at time of printing of this report | No charge |
| September 1994 | A report of an Investigation into the Cape Melville Incident | In stock as at time of printing of this report | \$10.00 |
| October 1994 | Criminal Justice Commission Annual Report 1993/94 | In stock as at time of printing of this report | No charge |
| October 1994 | Report on a Review of Police Powers in Queensland Volume V: Electronic Surveillance and Other Investigative Procedures | In stock as at time of printing of this report | \$10.00 |

Further copies of this report or previous reports are available at 557 Coronation Drive, Toowong or by sending payment C/O Criminal Justice Commission to PO Box 137, Albert Street, Brisbane 4002. Telephone enquiries should be directed to (07) 360 6060 or 008 061611.

This list does not include confidential reports and advices to Government or similar.