***ENVIRONMENT PROTECTION ACT 1970***

**SECTION 45X**

**DIRECTION TO REMOVE LITTER**

TO:

**WHEREAS <Insert Authorised Officer>** “Authorised Officer” as per Local Government Act 1989, Section 98, is delegated to carry out the power and duty or functions of the **<Insert Litter Authority>** (“Litter Authority”) in regards to Section 45X of the Environment Protection Act 1970.

**NOW TAKE NOTICE** that you are required to comply with each of the requirements specified in attachment A by **<time> <date>.**

Your attention is drawn to the following provisions of the *Environment Protection Act 1970*:

45X. Person may be directed to remove litter

 (1) This section applies if, in the opinion of a litter authority, any litter that is on or in any land or waters under the control or management of the litter authority is, or is likely to become:

 (a) detrimental to the health, safety or welfare of members of the public; or

 (b) unduly offensive to the senses of human beings; or

 (c) a hazard to the environment.

 (2) The litter authority may, by written notice, direct any person who deposited the litter to do one or more of the following:

 (a) to remove or dispose of the litter;

 (b) to restore any place affected by the litter to a state as close as practicable to the state it was in immediately before the litter was deposited;

 (c) to take any other action in relation to the litter that is specified in the notice within the time specified in the notice.

 (3) A person who receives such a direction must comply with it.

1. 40 penalty units.

 (4) If the person who deposited the litter cannot be found, the litter authority may, by written notice, direct the occupier of any premises on which the l

litter was deposited to remove or dispose of the litter within the time specified in the notice.

 (5) An occupier who receives such a direction must comply with it, unless he, she or it has reasonable cause not to do so.

1. 40 penalty units.

 (6) The Authority may exercise its powers as a litter authority under this section in respect of any litter in Victoria to which, in the opinion of the Authority, sub-section (1)(a), (1)(b) or (1)(c) applies.

DATED: <DATE>

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**<Insert Authorised Officer>**

<Role>

**<Litter Authority>**

NOTE:

FAILURE TO COMPLY WITH THIS NOTICE MAY RENDER YOU LIABLE TO AN ON-THE-SPOT FINE OF TWELVE (12) PENALTY UNITS $1983, OR UPON CONVICTION BY A COURT, TO A FINE NOT EXCEEDING FORTY (40) PENALTY UNITS.

**ATTACHMENT A**

**NOTICE REQUIREMENTS**

**1.** You are required to remove and legally dispose of all the waste and trailers that have been deposited on the road reserve of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Evidence that the material has been legally disposed needs to be provided to the Senior Litter Prevention Officer.

The objectives in issuing this notice are to prohibit and regulate the deposit of litter in the environment of Victoria. This includes meeting the general provisions of the *Environment Protection Act 1970*.

This notice contains several requirements which must be complied with by the date shown on the front of this notice, unless a different date is specified in the requirement.