***ENVIRONMENT PROTECTION ACT 1970***

**NOTICE UNDER SECTION 45ZI**

DATE

Name

Address

Suburb Postcode

Whereas I, <Authorised Officer Name>a Litter Enforcement Officer for the purposes of the *Environment Protection Act* 1970, of<Litter Authority Address>, believe on reasonable grounds that you:

1. **had possession at some time in the past waste, including \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Now take notice that I require you by **<time>** on **<date>** to provide to me in writing all of the following information which is within your knowledge or in your possession:-

1. How the litter left your possession;
2. When the litter left your possession;
3. Where the litter left your possession;
4. Why the litter left your possession;
5. The name and address of anyone who had possession of the litter after the litter left your possession.
6. The name and address of anyone else involved in the commissioning of the material that became the litter

If any of the above information is not within your knowledge or in your possession, you must state this fact in writing and personally give this statement to me by the above time and date and at the above address.

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

45ZI. Litter enforcement officer may require certain people to give information

 (1) This section only applies to a person who a litter enforcement officer believes on reasonable grounds—

 (a) had possession of particular litter at some time in the past; or

 (b) was responsible for commissioning the production of, for producing or for distributing, material that became particular litter.

 (2) The officer may require the person to give the officer within 14 days, or any longer time that the officer specifies, information concerning the litter.

 (3) A reference to litter in this section includes a reference to any substance that constitutes the litter, regardless of whether that substance was litter at the time it was in the person's possession.

 (4) A requirement must be set out in a written notice.

 (5)The notice must—

 (a) set out the information the officer seeks from the person;

 (b) specify the date by when the information is required;

 (c) contain a copy of this section and section 45ZJ;

 (d) be signed by the officer;

 (e) contain the officer's business address.

 (6) The information an officer may require from a person may include—

 (a) how, when and where the litter came into or left the person's possession;

 (b) the name and address of anyone who had possession of the litter after the litter left the person's possession;

 (c) the name and address of anyone else involved in the commissioning of the material that became the litter.

 (7) If required to do so by a notice, a person must give the officer within the time specified in the notice all the information sought in the notice that is within the person's knowledge or in the person's possession.

Penalty: 10 penalty units.

 (8) However, any information given by a person in response to a notice under this section is not admissible in any prosecution against the person if, before giving the information, the person objected to giving the information on the ground that it might tend to incriminate him or her. This doesn't apply if the information was false or misleading.

45ZJ. ***Officer may require information to be in writing***

 (1) If asked to do so by the litter enforcement officer, a person required to give the officer information under section 45ZI must give the information to the officer in writing.

 (2) If information sought by a notice under section 45ZI is not within a person's knowledge or in the person's possession, the person must state this fact in writing if asked to do so by the officer.

 (3) A failure by a person to comply with sub-section (1) or (2) is a failure to comply with section 45ZI(7).

 (4) A person must not include any false or misleading information in a written statement made under this section.

1. 20 penalty units.

 (5) Subject to section 45ZI(8), a statement made under this section is admissible in evidence in any proceedings.

**DATED:** **<Insert Date>**

**<Officer First, LAST name>**

 **<Role>**

NOTE: FAILURE TO COMPLY WITH THIS NOTICE MAY RENDER YOU LIABLE TO AN ON-THE-SPOT FINE OF $**330.00**, (2) PENALTY UNITS OR UPON CONVICTION BY A COURT, TO A FINE NOT EXCEEDING TEN (10) PENALTY UNITS.