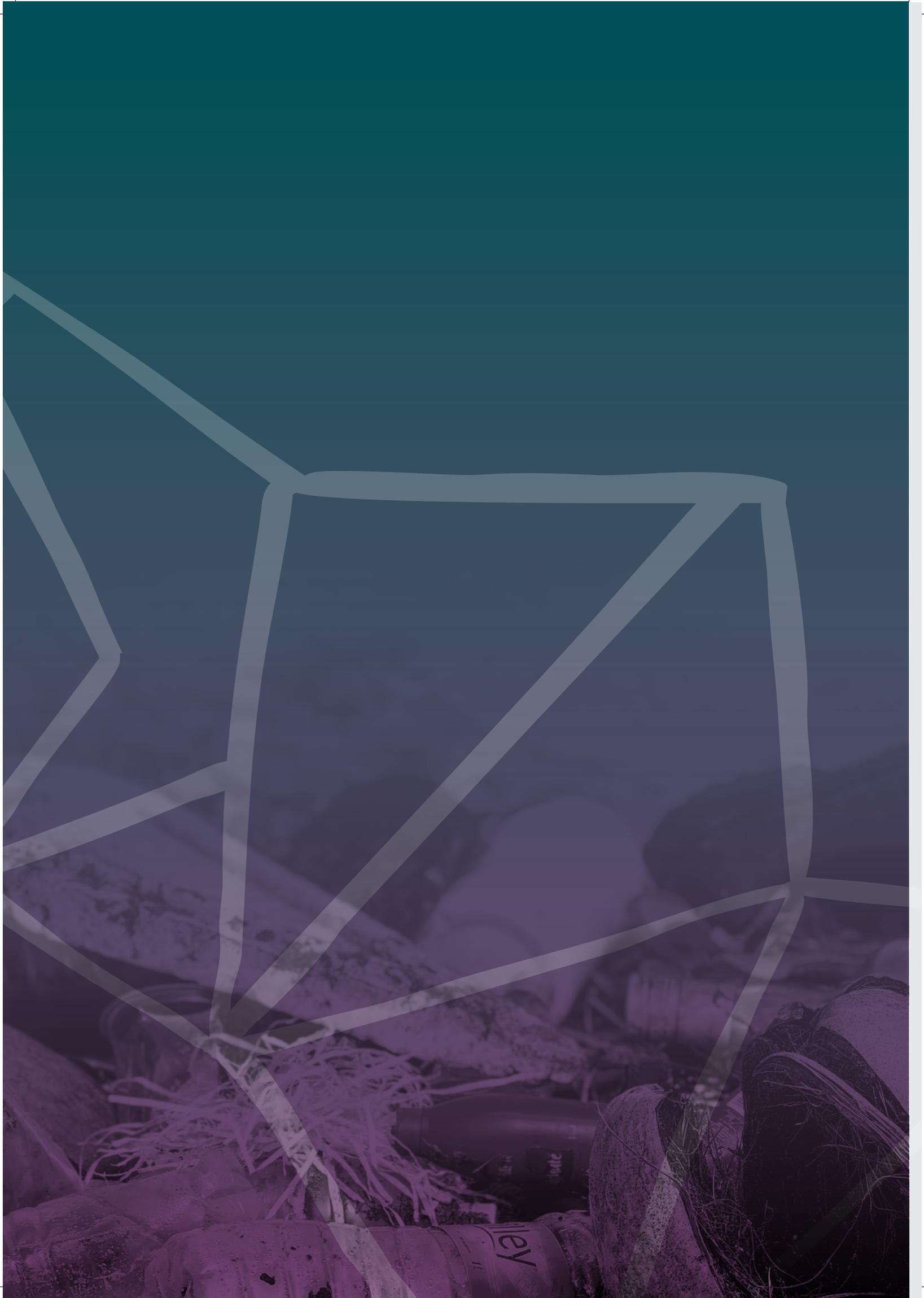


WASTE ENFORCEMENT ASSOCIATION AUSTRALIA

LITTER ENFORCEMENT INVESTIGATIONS TRAINING

COURSE BOOKLET





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PART A

Activities



Participant Task 1

Why enforce a waste matter?

 5 minutes

NOTES



Participant Task 2

How is a Litter Enforcement Officer appointed?

 5 minutes

NOTES



Participant Task 3

**What is the offence?
How much is the penalty?**

 5 minutes

NOTES



Participant Task 4

What is the offence? How much is the penalty?

 5 minutes

NOTES



Participant Task 5

What is the offence? How much is the penalty?

 5 minutes

NOTES



Participant Task 6

What is the offence? How much is the penalty?

 5 minutes

NOTES



Participant Task 7

**What is the offence?
What evidence is needed for
an infringement to be issued?**

 5 minutes

NOTES



Participant Task 8

What is the offence? How would you investigate?

 5 minutes

NOTES



Participant Task 9

What is the offence? How would you investigate?

 5 minutes

NOTES



Participant Task 10

What is the offence? How would you investigate?

 5 minutes

NOTES



Participant Task 11

What is the offence? How would you investigate?

 5 minutes

NOTES



PART B

Supplementary Resources

S115

115 Unlawful deposit of waste

- (1) A person must not deposit waste that is litter other than in the circumstances specified in subsection (5).
Penalty: In the case of a natural person,
20 penalty units;
In the case of a body corporate,
100 penalty units.
- (2) A person must not deposit waste that is dangerous litter other than in the circumstances specified in subsection (5).
Penalty: In the case of a natural person,
60 penalty units;
In the case of a body corporate,
300 penalty units.
- (3) A person must not deposit waste of more than 50 litres but not more than 1000 litres other than in the circumstances specified in subsection (5).
Penalty: In the case of a natural person,
100 penalty units;
In the case of a body corporate,
500 penalty units.
- (4) A person must not deposit waste of more than 1000 litres other than in the circumstances specified in subsection (5).
Penalty: In the case of a natural person,
240 penalty units;
In the case of a body corporate,
1200 penalty units.
- (5) A person does not contravene subsection (1), (2), (3) or (4), as the case requires, if the person—
 - (a) deposits the waste in or on premises or a place that—
 - (i) is provided for the deposit of waste;
and
 - (ii) is appropriate for waste of that size, shape, nature or volume; or
 - (b) deposits the waste in or on premises or a place in such a way that it cannot leave the premises or place without human assistance and the person—
 - (i) owns, controls or is in possession of the premises or place; or
 - (ii) is acting with the express consent of another person who owns, controls or is in possession of the premises or place;
or
 - (c) is authorised to deposit the waste as the case requires, by or under an Act or a Commonwealth Act; or
 - (d) deposits the waste as a consequence of a lawful activity and it is not reasonable for the person to avoid that consequence; or
 - (e) accidentally deposits the waste and it is not reasonably possible for the person to retrieve the waste.
- (6) Two or more deposits of waste in or on premises or a place may be taken to be one deposit for the purposes of subsection (1), (2), (3) or (4) if the 2 or more deposits constitute a connected series of deposits.
- (7) A reference in this section to the deposit of waste includes a reference to waste that—
 - (a) is blown from premises or a place; or
 - (b) falls or escapes from premises or a place.

116 Liability of owners and drivers of vehicles in relation to littering of waste

- (1) Subject to sections 117 and 118, if waste is deposited from a vehicle contrary to section 115(1), (2), (3) or (4) the persons specified in subsection (2) are taken to have committed an offence against whichever of those subsections is applicable.
- (2) For the purposes of subsection (1), the following persons are specified—
 - (a) the driver of the vehicle;
 - (b) the registered owner of the vehicle;
 - (c) a person authorised by the registered owner to use the vehicle (the authorised user) at the time the offence was committed.
- (3) Without limiting subsection (2), the registered owner of a vehicle is taken to have committed an offence against section 115(1), (2), (3) or (4) if—
 - (a) a person deposits waste at premises or a place contrary to whichever of those subsections is applicable; and
 - (b) that person was seen arriving at or leaving the premises or place in the registered owner's vehicle.
- (4) A Court must not find a person guilty of an offence because of the operation of this section unless the Court is satisfied that no other person has been found guilty of an offence constituted by the depositing of the waste referred to in subsection (1), (2), (3) or (4), and—
 - (a) it is not practicable to discover who deposited the waste; or
 - (b) it is not possible to file a charge-sheet against the person who deposited the waste;or
 - (c) it is unlikely that the filing of a charge-sheet against the person who deposited the waste would result in a finding of guilt.
- (5) If the registered owner or the authorised user of a vehicle is taken to have committed an offence as a result of the operation of subsection (1), a Court must not find the registered owner or the authorised user guilty of the offence unless the Court is satisfied that it is not possible to file a charge-sheet against the driver of the vehicle at the time of the offence.

121 Waste abatement notice

- (1) The Authority, any other litter authority or a litter enforcement officer may issue a person with a waste abatement notice if the Authority, the litter authority or the litter enforcement officer (as the case requires) reasonably believes that the person—
 - (a) has deposited waste or any other object or thing in or on premises or a place that causes risks of harm to human health or the environment; or
 - (b) has deposited waste or any other object or thing in or on premises or a place in such a way as to make the premises or place disorderly or detrimentally affect its proper use; or
 - (c) has engaged in or proposes to engage in an activity—
 - (i) that causes, or is likely to cause, the deposit of waste in contravention of this Part; or
 - (ii) that causes, or is likely to cause, the deposit of waste or any other thing in a way that makes, or is likely to make, premises or a place disorderly or detrimentally affect its proper use; or
 - (d) has deposited waste in contravention of this Part.
- (2) Despite subsection (1), a litter authority (other than the Authority) must not issue a waste abatement notice under that subsection unless the deposit of waste, object or thing or activity occurs on or in relation to land or waters of which the litter authority has management or control.
- (3) A waste abatement notice in relation to waste or an object, thing or activity may require the person to whom it is issued to take one or more of the following actions—
 - (a) to remove or dispose of the waste or the object or thing within a specified time or in a specified manner;
 - (b) to restore any premises or place affected by the waste or the object, thing or activity to a state as close as practicable to the state it was in immediately before the waste or the object or thing was deposited or the activity was engaged in;
 - (c) to modify the way in which the person engages in the activity;
 - (d) to do, or not do, specified things to ensure that the person does not contravene this Part within a specified time or in a specified manner;
 - (e) to take any other action in relation to the waste or the object, thing or activity that is specified in the notice within a specified time or in a specified manner.

-
- (4) A waste abatement notice must—
- (a) specify the name and address of the person to whom the notice is issued; and
 - (b) state the grounds on which the notice is issued; and
 - (c) specify the actions that the person must take to comply with the notice; and
 - (d) specify the period within which the person must comply with the notice; and
 - (e) set out the penalty for failing to comply with the notice.
- (5) A person must not, without reasonable excuse, refuse or fail to comply with a waste abatement notice issued under subsection (1).

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

- (6) If a person referred to in subsection (1) has deposited waste at a place or on premises in contravention of this Part and cannot be located, the Authority, any other litter authority or a litter enforcement officer may, by written notice, direct the occupier of the place or premises to remove or dispose of the waste within the time specified in the notice.
- (7) An occupier who receives a notice under subsection (6) must comply with that notice, unless the occupier has a reasonable excuse.
- Penalty: In the case of a natural person,
40 penalty units;
- In the case of a body corporate,
200 penalty units.
- (8) The Authority, any other litter authority or a litter enforcement officer may vary or revoke a waste abatement notice issued under subsection (1) at any time by serving a written notice of variation or revocation on the person to whom the waste abatement notice applies.
- (9) A reference under this section to an object or thing does not include a reference to a fixture.

127 Waste information gathering notice

- (1) This section applies to a person that a litter enforcement officer reasonably believes—
 - (a) previously had possession of waste; or
 - (b) was responsible for commissioning the production or distribution of, material that became waste.
- (2) For the purposes of performing a function or duty or exercising a power under this Part, the litter enforcement officer may issue a waste information gathering notice on the person requiring the person to provide to the litter enforcement officer any relevant information or the class of information in relation to the waste specified in the notice.
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a waste information gathering notice issued under subsection (2).

Penalty: In the case of a natural person,
10 penalty units;
In the case of a body corporate,
50 penalty units.
- (4) Subsection (3) does not apply if the information sought by a waste information gathering notice is not within the person's knowledge or in the person's possession.
- (5) If the information sought by a waste information gathering notice is not within the person's knowledge or in the person's possession, the person must advise the litter enforcement officer of this if requested to do so by the litter enforcement officer.
- (6) A person must provide the information sought by a waste information gathering notice in writing if requested to do so by the litter enforcement officer.
- (7) A person who fails to comply with a request of the litter enforcement officer under subsection (5) or (6) is taken to have committed an offence against subsection (3).
- (8) A reference to waste in this section and section 128 includes a reference to any substance that constitutes waste, regardless of whether that substance was waste at the time it was in the person's possession.

SIGNED WRITTEN REPORT FORM



Under the Environment Protection Act 2017, you are able to report someone committing an offence by notifying an authorised Council Officer. The most likely outcome will be for the <INSERT LITTER AUTHORITY> to issue the registered vehicle owner with an infringement notice. If the fine is not paid, or if the matter is contested, you may be required to give evidence in court.

1. Incident Information

When did the incident take place? Date _____ Time _____ am/pm

Incident address _____

Nearest intersection _____

Direction of travel _____

Did you see the person NO (go to section 2, Vehicle details)
 YES (provide a physical description below)

Physical description includes height, build, hair and eye colour, sex, clothes, distinguishing features...

2. Vehicle details (if applicable)

Who committed the offence? (circle appropriate option)

Driver **Front passenger** **Rear passenger** **Unknown**

Vehicle body type (circle appropriate option)

Sedan **Ute** **4WD/SUV** **Hatchback** **Station wagon** **Van** **Truck/trailer**

Vehicle make _____

Vehicle model _____

Registration _____

Colour _____

Other information _____

3. Incident description

Please ensure the description of the incident is as detailed as possible.

Include a description of the litter and the offender, where possible.

4. Personal details

Your personal details will remain strictly confidential. Under the Privacy and Data Protection Act 2014, your personal details will not be used for any other purposes without your consent.

Name _____

Address _____

_____ Postcode _____

Contact number _____

Email address _____

Name of witness (if applicable) _____

Please note that it is an indictable offence to intentionally or negligently provide false or misleading information to the **<INSERT LITTER AUTHORITY>** under s132(c) of the Environment Protection Act 2017 and penalties may apply.

I am willing to appear in Court YES NO

I declare the above information to be true and correct.

Signature _____

Date _____

OFFICE USE ONLY

Infringement issued YES _____ NO

Infringement no: _____

SCHEDULE 10 – INFRINGEMENT OFFENCES AND INFRINGEMENT PENALTIES (EXCERPT)

Column 1	Column 2	Column 3
<i>Item</i>	<i>Act section or regulation</i>	<i>Infringement penalty</i>
1	Section 115(1)	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
2	Section 115(2)	4 penalty units in the case of a natural person 20 penalty units in the case of a body corporate
3	Section 115(3)	6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate
4	Section 115(4)	10 penalty units in the case of a natural person 50 penalty units in the case of a body corporate
5	Section 119	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
6	Section 121(5)	6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate
7	Section 121(7)	6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate
8	Section 125(3)	2 penalty units
9	Section 125(4)	2 penalty units
10	Section 125(6)	2 penalty units
11	Section 127(3)	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
29	Regulation 55(1)	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
30	Regulation 55(3)	2 penalty units in the case of a natural person 10 penalty units in the case of a body corporate
31	Regulation 57	4 penalty units in the case of a natural person 20 penalty units in the case of a body corporate
32	Regulation 58(1)	4 penalty units in the case of a natural person 20 penalty units in the case of a body corporate

NOMINATION STATEMENT – FOR INDIVIDUALS (S118)



Use this form to nominate who was responsible for the offence by submitting a written statement to the <insert litter authority>.

Step 1. DETAILS OF THE PERSON WHO RECEIVED THE INFRINGEMENT

Full name:	Infringement No:
Residential address:	
Suburb:	Postcode:
Telephone No:	Email:

Step 2. NOMINATION

I, state that:

(Please cross X one of the below)

- I did not deposit the waste and I saw another person deposit the waste. The name and address of that person is (write their details below).
- I did not deposit the waste and I did not see who deposited the waste but reasonably believe another person was in the vehicle at the time waste was deposited. The name and address of that person is (write their details below).
- I did not deposit the waste and I did not see who deposited the waste but reasonably believe another person was near the vehicle at the time waste was deposited. The name and address of that person is (write their details below).
- I did not deposit the waste and the waste was deposited by a passenger of a commercial passenger vehicle (i.e. taxi, uber, etc) at the time of the offence.

Step 3. DETAILS OF PERSON RESPONSIBLE / IN OR NEAR VEHICLE AT THE TIME

Full name:	
Residential address:	
Suburb:	Postcode:
Telephone No:	

Step 4. CONFIRM THE DETAILS PROVIDED ARE CORRECT AND SIGN TO COMPLETE NOMINATION STATEMENT

It is an offence under the *Environment Protection Act 2017* (which may carry a fine in excess of \$7,000 for an individual, or a fine in excess of \$36,000 for a body corporate) to provide false or misleading information in a nomination statement.

Your signature:	
On: (date: DD/MM/YY)	

Step 5. SEND NOMINATION TO <INSERT LITTER AUTHORITY>

Email a scanned copy to: <insert email address for litter authority> Or post to: <insert postal address of litter authority>

STATUTORY DECLARATION NOMINATION (S118)

STATUTORY DECLARATION WASTE (LITTER) - NOMINATION



Complete the statutory declaration as relevant to your situation and submit it to Environment Protection Authority Victoria (EPA).

See the back of this form for a list of persons authorised under the *Oaths and Affirmations Act 2018* to witness the signing of a statutory declaration.

A. DETAILS OF THE PERSON WHO RECEIVED THE INFRINGEMENT

Full name:	Infringement No:
Corporation name (if applicable):	
ABN (if applicable):	Vehicle Rego No:
Occupation / Job title:	
Residential address:	
Suburb:	Postcode:
Telephone No:	Email:

B. DECLARATION

I, the person named above, make the following statutory declaration under the *Oaths and Affirmations Act 2018*:

I did not deposit the waste (litter) and (select option)

- I saw another person deposit the waste (litter). (Go to C)
- Someone else was the driver or person authorised to use the vehicle at the time the waste (litter) was deposited. (Go to C)
- Someone else was the passenger in or near the vehicle at the time the waste (litter) was deposited. (Go to C)
- I sold this vehicle to someone else or permanently disposed of the vehicle on this date ____/____/20____. (Go to C)
- I believe the vehicle or number plates displayed on the vehicle were stolen. Police Reference Number is _____.
- The waste (litter) was deposited by a passenger of a commercial passenger vehicle (i.e. taxi, uber etc). (Go to D)

C. DETAILS OF NOMINATED PERSON

Full name:	
Residential address:	
Suburb:	Postcode:
Driver licence / permit number:	

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842 (1300 EPA VIC) epa.vic.gov.au



STATUTORY DECLARATION – WASTE (LITTER) NOMINATION

D. DECLARATION SIGNED IN FRONT OF AUTHORISED WITNESS

It is an offence under the *Oaths and Affirmations Act 2018* (which may carry a fine in excess of \$109,000 or imprisonment of 5 years or both) to make a statement in a statutory declaration that is untrue. I understand that I may be served with a summons to give evidence in relation to this statutory declaration.

Person making the declaration (declarant)

I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.

The following must be read aloud in the presence of the authorised witness before signing:

I, [full name of declarant] of [address], declare that the contents of this statutory declaration are true and correct.

Signature of declarant:	
Declared at: (place in the state of Victoria)	
On: (date: DD/MM/YY)	

Authorised witness

I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration.

- (If applicable)* I certify that I have read the statutory declaration to the declarant at the time the statutory declaration was made, due to illiteracy, limited English literacy, vision or cognitive impairment.
- (If applicable)* I certify that I assisted the declarant in making the statutory declaration by... (write details of assistance provided, for example, translating the document): *(If applicable)* I certify that I assisted the declarant in making the statutory declaration by... (write details of assistance provided, for example, translating the document):

Signature of authorised witness:	
Full name of authorised witness:	
On: (date: DD/MM/YY)	
Position/title:	
Address:	

SEND DECLARATION TO EPA

Email a scanned copy to: contact@epa.vic.gov.au
Or post to: EPA Victoria, GPO Box 4395, Melbourne VIC 3001

STATUTORY DECLARATION – WASTE (LITTER) NOMINATION

Authorised Witness

The following is a list of persons who may witness statutory declarations under Section 30 of the *Oaths and Affirmations Act 2018*.

For a complete list of authorised witnesses, refer to www.justice.vic.gov.au/statdecs

- A person currently licensed or registered to practice in Australia as one of the following occupations:
 - Architect
 - Chiropractor
 - Conveyancer
 - Dentist
 - Financial adviser or financial planner
 - Legal practitioner
 - Medical practitioner
 - Midwife
 - Migration agent
 - Nurse
 - Occupational therapist
 - Optometrist
 - Patent attorney
 - Pharmacist
 - Physiotherapist
 - Psychologist
 - Trademarks attorney
 - Veterinary surgeon
- An accountant who meets at least one of the following criteria:
 - Fellow of the national Tax Accountants' Association
 - Member of Chartered Accountants Australia and New Zealand
 - Member of the Association of Taxation and Management accountants
 - Member of CPA Australia
 - Member of the Institute of Public Accountants
- Australian Consular Officer or Australian Diplomatic Officer
- Bailiff
- Clerk of a court
- Commissioner for Affidavits
- Judge
- Justice of the Peace
- Local government Council or
- Magistrate
- Registered marriage celebrant
- Master of a court
- Member of the Australian Defence Force who meets at least one of the following criteria:
 - An officer
 - A non-commissioned officer with 5 or more years of continuous service
 - A warrant officer
- Member of the Parliament of a State
- Member of a Territory legislature
- Member of a local government authority
- Registered minister of religion
- Notary public, including a notary public exercising functions at a place outside either the Commonwealth or the external Territories of the Commonwealth
- Police officer
- Police reservist
- Protective service officer (PSO)
- Registrar, or Deputy Registrar, of a court
- A school principal
- Sheriff
- Sheriff's officer
- Teacher employed on a permanent full-time or part-time basis at a school tertiary education institution
- Any authorised affidavit taker

Where a statutory declaration is supplied to EPA, an EPA staff member is not permitted to witness the declaration.

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842 (1300 EPA VIC) epa.vic.gov.au



WASTE ABATEMENT NOTICE



Template available
for download
on WEA
website



Waste abatement notice

Environment Protection Act 2017

Notice ID	000001
Date of issue	2/07/2021
Notice issued by	Harry Cobra - Litter enforcement officer of Green Snake Valley Council T 1300 000 000 E customer@snakevally.vic.gov.au
Notice issued to	John Rattle 15 Slithery Crescent Snakeville VIC 0000
ACN	<ACN of notice recipient if applicable>
Place or premises	Belar Road Snakeville
Legal reference	Environment Protection Act 2017 (the Act), s. 121
Service method	Issued in person

For the purpose of this notice 'you' means the recipient of this notice or your authorised representative and 'place or premises' means the site at which the notice applies, as identified above.

Green Snake Valley Council
100 Dangerous Road Snakeville
1300 000 000 www.greensnakevalley.vic.gov.au

Waste abatement notice

Environment Protection Act 2017

Grounds for issuing this notice

The litter enforcement officer reasonably believes that John Rattle has deposited waste in contravention of *Part 6.3 of the Act*.

The reasonable belief is based on evidence collected.

Requirements

You are required to:

<list numbered requirements, including any of the following>

1. By **8 July 2021** you must:
 - **remove the single sized mattress and two rolls of carpet by 5pm Thursday 8 July 2021.**
2. By 8 July 2021 you must inform Harry Cobra (litter enforcement officer) of Green Snake Valley Council (litter authority) in writing that specifies and demonstrates how compliance with this notice has been achieved.

This waste abatement notice takes effect from the date of service.

<Litter enforcement officer's signature or signature of litter authority representative. Keep signature with prior text.>

<Choose one>

<First and last name of litter enforcement officer> Litter enforcement officer of <name of litter authority>

or

<First and last name of litter authority representative> of <name of litter authority>

Penalty

If you fail to comply with this waste abatement notice you may be guilty of an offence and liable to pay a penalty of up to 40 penalty units (for an individual) or 200 penalty units (for a body corporate).

Notice ID: 000001

Waste abatement notice

Environment Protection Act 2017

Right of review

You may apply to the Victorian Civil and Administrative Tribunal for an external review within 15 business days from the date on which this waste abatement notice first came to your notice. For VCAT applications, contact VCAT on 1300 01 8228 or go to vcat.vic.gov.au.

Amendment

You may apply for an extension of time for any requirement in the notice before its due date. Your notice remains legally binding until the litter authority or litter enforcement officer advises you of any change.
customer@snakevalley.vic.gov.au

Additional information

Under section 123 of the Act, a person who is the occupier of a place or premises where waste has been deposited may be eligible to recover reasonable costs in complying with this notice, against any person who deposited the waste or the object or thing.

If you fail to comply with this waste abatement notice, Green Snake Valley Council may remove or dispose of waste and recover any reasonable costs incurred in taking this action.

Notice ID: 000001

Waste abatement notice

Environment Protection Act 2017

Appendix



Photograph of dumped waste along Belar Road Snakeville that requires to be removed by 8 July 2021

Notice ID: 000001

NOTICE TO COMPLY UNDER LOCAL LAW



Template available
for download
on WEAA
website

DATE

Dear _____

An obstruction on Council Land adjoining your property at

A recent inspection of Council land adjoining **your property** found the placement of concrete rubble. It was confirmed that you **allowed/placed/stored/left** an item on Council land. You are in breach of the <Insert Shire> General Purpose Local Law 2012, Clause 23 (1) in **allowing/placing/storing/leaving** an item or thing on a Road or Council Land that has caused an obstruction.

As such the enclosed Notice to Comply has been issued directing you to complete the works within the time frame specified. Please find attached a copy of a photograph of the item.

Should you have any enquiries regarding this notice you may <Insert Contact>.

Yours faithfully

<Signature>

<Name>

<Role>

TO:

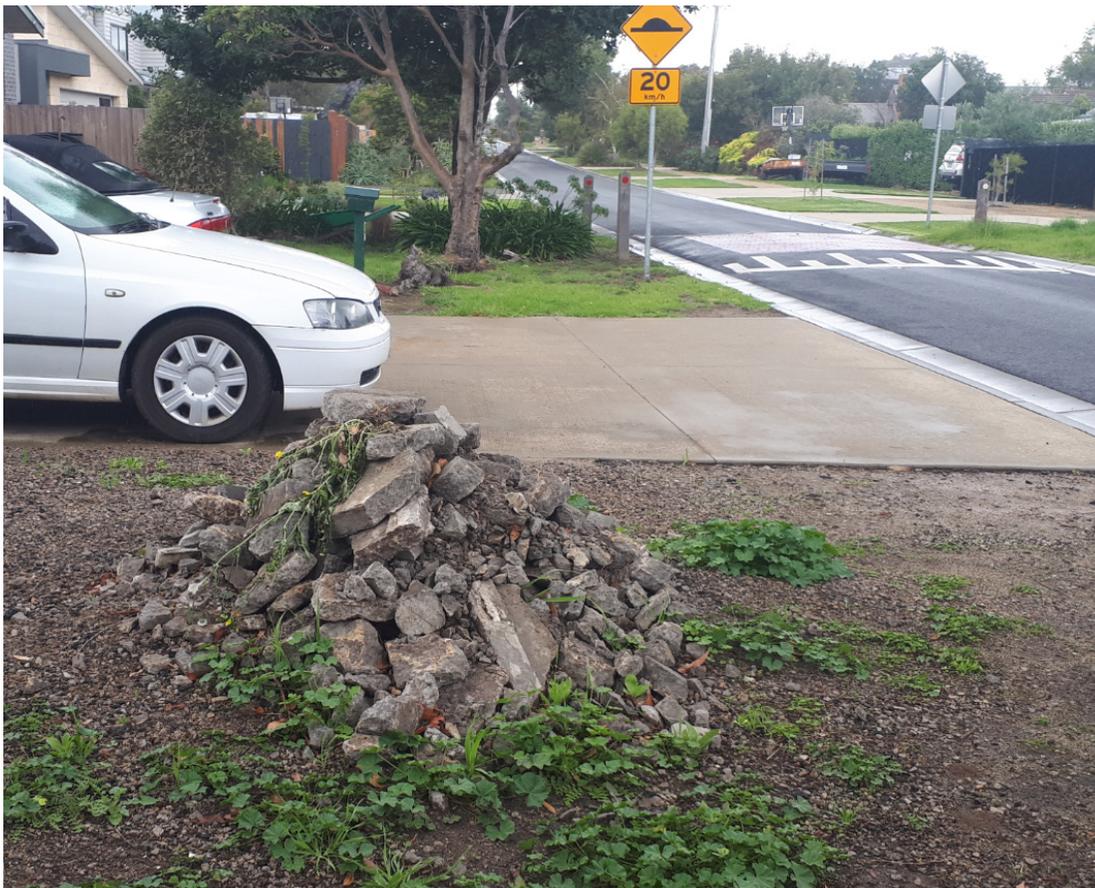
You have, in the opinion of <Insert Litter Authority legal name> ("the Council") or an Authorised Officer, committed a breach of Clause 23 (1) of the General Purposes Local Law 2012, in allowing, placing, storing or leaving an item or thing on a Road or Council Land without Council permission, that has caused an obstruction, namely:

Concrete rubble on the nature strip in front of _____

CLAUSE 23 Obstructions on Roads and Council Land

(1) A person must not, without Council approval allow, place, store or leave any item or thing on a road or Council land unless they are permitted to do so under any other Act, regulation or other Local Law.

Penalty: Twenty (20) Penalty Units



To remedy the breach you must remove the concrete rubble by 5pm, 10/06/2020.

You should contact <authorised officer> at the Municipal Office on <Phone number>, between the hours of 8:30am and 5:00pm Monday to Friday for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and may be liable to a penalty of **ten (10) penalty units - \$1,000,00**. If you do not remedy the breach, the Council may carry out any required work and you may be liable for the cost of that work in addition to the above penalty.

Date: <Insert>

<Insert>

(Name of Authorised Officer)

Telephone: <Insert>

<Insert>

(Signature of Authorised Officer)

NOTE:

IF THIS NOTICE RELATES TO A CONTRAVENTION OF A PERMIT AND THE NOTICE IS NOT COMPLIED WITH THE PERMIT MAY BE CANCELLED. IF YOU DO NOT WISH TO HAVE THE PERMIT CANCELLED, YOU SHOULD COMPLY WITH THE DIRECTIONS IN THIS NOTICE OR SHOW CAUSE TO THE COUNCIL IN WRITING WHY THE PERMIT SHOULD NOT BE CANCELLED.

WASTE INFORMATION GATHERING NOTICE



Waste information gathering notice

Environment Protection Act 2017

Notice ID	<XXXXX>
Date of issue	DD/MM/YYYY
Notice issued by	Name <First and last name> Litter enforcement officer of <name of litter authority> T <phone number> E <e-mail address>
Notice issued to	Name <Name of notice recipient e.g. natural person or legal company name> Address <Notice recipient address e.g. residential, business or registered business address>
ACN	<ACN of notice recipient if applicable>
<Optional> Place or premises	<Place or premises address where notice applies> <Delete this section if no place or premises entered>
Legal reference	Environment Protection Act 2017 (the Act), s. 127
Service method	<Postal service; electronic communication; delivered in person; left at the recipients residential, business or body corporate address><Choose one>

For the purpose of this notice 'you' means the recipient of this notice or your authorised representative.

Council name
Council address
1300 123 123

www.councilXYZ



Waste information gathering notice

Environment Protection Act 2017

Grounds for issuing this notice

The litter enforcement officer has determined that it is necessary to issue a waste information gathering notice for the purposes of performing a function or duty or exercising a power under the Act.

The litter enforcement officer reasonably believes that <name of notice recipient>

<Choose one from following options – where more than one applies, choose most relevant>

previously had possession of waste.

was responsible for commissioning the production or distribution of material that became waste.

<Add details of why reasonable belief is held: e.g. observations, evidence collected etc. This free text section is required to establish the grounds for issuing the notice....>

Requirements

You are required to:

<list the requirements, including any of the following>

By <insert time> on <insert date> provide to the litter enforcement officer <in writing (optional)> the following information:

- how, when and where <insert description of waste and place or premises as appropriate> came into or left your possession;
- if <insert description of waste and place or premises as appropriate> has left your possession, provide the name and address of another person who currently has possession of the waste;
- the name and address of another person who was involved in commissioning the production or distribution of material that became waste.

Under section 127(5) if the information sought by this waste information gathering notice is not within your knowledge or possession you must advise the litter enforcement officer in writing.

This waste information gathering notice takes effect from the date of service.

<Litter enforcement officer's signature. Keep signature with prior text.>

.....
<Litter enforcement officer's first and last name>

Litter enforcement officer of <name of litter authority>

Penalty

If you fail to comply with this information gathering notice you may be guilty of an offence and liable to pay a penalty of up to 10 penalty units (for an individual) or 50 penalty units (for a body corporate).

Under section 127(7), you must comply with the notice unless you advise the litter enforcement officer that the information sought is not within your knowledge or possession. A failure to do so may be an offence, and you may be liable to pay the above penalty.

Under section 127(7), if you fail to comply with a request to provide information in writing you may be guilty of an offence and liable to pay the above penalty.

Notice ID: XX-XXXXXX

Waste information gathering notice

Environment Protection Act 2017

Amendment

You may apply for an extension of time for any requirement before its due date. Your notice remains legally binding until the litter enforcement officer advises you of any change.

<Add contact details of litter authority>

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

<Add contact details of litter authority>

Interpreter assistance



<Add information about the litter authority's interpreter service>

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