

Section 203(2) Protection of the Environment Operations Act 1997

Notice to nominate corporation representative

«AcctPartyName»
«AcctPartyTradingName»
«AcctPartyABN»
«PostalAddressStreet»
«PostalAddressSuburb» «PostalAddressState» «PostalAddressPostcode»

Attention: <insert contact name>

Notice Number «NoticeNumber»

File Number "FileNumber"

Date «NoticeIssueDate»

Notice to nominate corporation representative

Why is the <insert regulatory authority name> writing to you?

An authorised officer of the <insert regulatory authority> suspects on reasonable grounds that «AcctPartyName» has knowledge of <insert matters for which information is required> in respect of which information is required for the purposes of enforcing the *Protection of the Environment Operations Act 1997* (POEO Act) and requires «AcctPartyName» to answer questions in relation to those matters.

What are you required to do?

Nominate, in writing, a director or officer of «AcctPartyName» to be its representative for the purpose of answering questions in relation to <insert matters for which information is required> by <insert date>.

Background

1. The <insert relevant authority> has responsibility for enforcement of the POEO Act.
2. Section 203 of the POEO Act enables an authorised officer of the <insert relevant authority> to require a person whom the authorised officer suspects on reasonable grounds to have knowledge in respect of which information is reasonably required for the purposes of the POEO Act to answer questions in relation to those matters.
3. Section 203(2) of the POEO Act enables the <insert relevant authority> to require, by notice in writing, a corporation to nominate a director or officer of the corporation to be its representative for the purpose of answering questions under that section.
4. <Insert relevant background information that demonstrates why this notice needs to be issued. I.e. On <insert date> the <insert regulatory authority> saw [set out what the authority has seen or has knowledge of, i.e. the facts giving rise to the incident under investigation and how this links to the corporation. It should be clear what the incident is and the section of the POEO Act that is suspected of being contravened. Use multiple paragraphs to set out this description.]>

Requirement to nominate corporation's representative

The <insert regulatory authority name> requires «AcctPartyName» to nominate a director or officer of «AcctPartyName» to be the corporation's representative for the purpose of answering questions under Section 203 of the *Protection of the Environment Operations Act 1997*.

The nomination must be made in writing to <insert officer's name and address> by **no later than <Insert time and date>**.

.....
<NoticeAuthorisingOfficer>
<NoticeAuthorisingOfficerTitle>
<NoticeAuthorisingOfficerSection>
(by Delegation)

Warning and information about this notice

- It is an offence against the *Protection of the Environment Operations Act 1997* to neglect or fail to comply with this notice unless you have a lawful excuse for not complying. It is also an offence to furnish information under this notice knowing that the information is false or misleading.
- The maximum penalty for each of these offences is, for a corporation, \$1,000,000 and a further \$120,000 for each day the offence continues, and, for an individual, \$250,000 and a further \$60,000 for each day the offence continues.
- This warning is given for the purposes of section 212 of the *Protection of the Environment Operations Act 1997*.

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