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7. Section 91 of the Act, as applied by section 144AG of the Act, therefore enables the <insert regulatory authority name> to issue a clean-up notice in respect of:
- a. illegal dumping under section 144AE, which sets out the offence of depositing more than 50 L or 50 kg of litter or waste without lawful excuse; or
 - b. the depositing of litter under Part 5.6A of the Act, which includes several littering offences.
8. Unless one of the exceptions in section 144AF applies, the offence of illegal dumping in section 144AE extends to: *You can delete this paragraph if the notice is being issued for a littering offence under Part 5.6A only*
- a. a person who deposits more than 50 L or 50 kg of litter or waste in or on a public place or an open private place, and
 - b. a person who causes or permits that conduct.
9. A clean-up notice under section 91, as applied by section 144AG, can be issued to:
- a. an owner or occupier of premises where the <insert regulatory authority name> reasonably suspects that the litter or waste has been deposited; and/or
 - b. a person who the <insert regulatory authority name> reasonably suspects caused, is causing, or is contributing, to any extent, to the deposit of litter and waste.
10. For the purposes of littering under Part 5.6A and illegal dumping in section 144AE:
- “Depositing litter” in or on a place includes:
 - (a) dropping or throwing litter in, on, into or onto the place, or
 - (b) leaving litter in or on the place, or
 - (c) putting litter in such a location that it falls, descends, blows, is washed, percolates or otherwise escapes or is likely to fall, descend, blow, be washed, percolate or otherwise escape into or onto the place, or
 - (d) causing, permitting or allowing litter to fall, descend, blow, be washed, percolate or otherwise escape into or onto the place.
 - “Litter” includes:
 - (a) any solid or liquid domestic or commercial refuse, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, cigarette butts, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, construction or demolition material, garden remnants and clippings, soil, sand or rocks, and
 - (b) any other material, substance or thing deposited in or on a place if its size, shape, nature or volume makes the place where it is deposited disorderly or detrimentally affects the proper use of that place,deposited in or on a place, whether or not it has any value when or after being deposited in or on the place.
 - “Open private place” means: *This definition can be removed if you are issuing the notice for litter or waste dumped on a public place only*
 - (a) a private place that is situated in or on land and that is not within a building on the land, or
 - (b) a private place that is situated in or on waters.
11. The Dictionary to the POEO Act also defines:
- “Public place” includes – *This definition can be removed if you are issuing the notice for litter or waste dumped on an open private place only*
 - (a) a public place within the meaning of the *Local Government Act 1993*, and
 - (b) a State forest or flora reserve within the meaning of the *Forestry Act 2012*, and
 - (c) a national park, state conservation area, historic site, nature reserve, karst conservation reserve, regional park or Aboriginal area within the meaning of the *National Parks and Wildlife Act 1974*, and

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- likely to result from the pollution incident, and
- (ii) ascertaining the nature and extent of the pollution incident and the actual or likely resulting pollution, and
 - (iii) preparing and carrying out a remedial plan of action to deal with the pollution incident, and
 - (iv) actions required to restore the environment to a state that is as close as possible to the state the environment was in immediately before the pollution incident, and
 - (v) carrying out—
 - (A) specified tests or environmental monitoring, and
 - (B) action to facilitate testing by the appropriate regulatory authority, and
 - (vi) giving the appropriate regulatory authority a specified test, monitoring or a report, and
- (b) also includes action to remove or store the following—
- (i) waste disposed of on land unlawfully,
 - (ii) chemicals,
 - (iii) products or articles containing chemicals.*

Fee to be paid

You are required by law to pay a fee for the administrative costs of issuing this notice. An invoice for the fee has been attached to this notice.

It is an offence not to pay this fee. However, you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

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

Warnings and information about this clean-up notice

- This notice is issued under section 91 of the POEO Act, as applied by section 144AG of the Act.
- It is an offence against the POEO Act not to comply with a clean-up notice unless you have a reasonable excuse.
- Details provided in this notice will be available on the Public Register in accordance with section 308 of the POEO Act.
- If this notice is issued to a corporation and the notice is not complied with by the date specified, the appropriate regulatory authority may, under s 91A(2) of the Act, as applied by section 144AG of the Act, issue a supplementary clean-up notice to a current or former director or manager, or a related body corporate, directing them to carry out, or ensure the carrying out of, clean-up action specified in the supplementary notice, within the period specified in the notice.

Penalty for not complying with this notice

- The maximum penalty that a court may impose for a corporation is \$50,000 and a further \$6,000 for each day the offence continues. The maximum penalty that a court may impose for an individual is \$25,000 and a further \$6,000 for each day the offence continues.

When this notice begins to operate

This notice operates from the day the notice is given, unless a later date is specified in the notice.

Continuing obligation

Under section 319A of the Act, your obligation to comply with the requirements of this notice continues until the notice is complied with in full, even if the due date for compliance has passed.

Cost recovery from the person who caused or contributed to the incident

If you comply with this clean-up notice but you are not the person who caused, or solely caused, the littering or illegal dumping to which the notice relates, you have a right to go to court to recover your costs, or part of your costs, of complying with the notice from any person who caused or contributed to the incident.

Deadline for paying the fee

The fee must be paid by **no later than 30 days after the date of this notice**, unless the <insert regulatory authority name> extends the time to pay the fee, or waives the fee.

How to pay the fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

How to apply for an extension of time to pay/have fee waived

Any application for an extension of time to pay the fee or for the fee to be waived must be made in writing to the <insert regulatory authority name>. The application should set out clearly why you think your application should be granted.

Other costs

The Act allows the <insert regulatory authority name> to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters.

If you are required to pay these other costs and expenses you will later be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses".

Variation of this notice

The requirements of this notice may only be varied or revoked by written notice issued by the <insert regulatory authority name>.

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