Better Practice Manual
Dealing with Litter and Illegally Dumped Rubbish

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Litter Prevention Officer
October 2013
Preface

This manual was developed by the City of Greater Dandenong Litter Prevention Officer Rebecca Laurito, as part of a funding agreement between the Council and Environment Protection Authority (EPA). In 2011, the City of Greater Dandenong and eight other Councils throughout the state were awarded grants to fund a Litter Prevention Officer for two years.

During this time Greater Dandenong's Litter Prevention Officer developed this manual, based on her experiences when dealing with litter and illegally dumped rubbish. This manual has now been adopted by the City of Greater Dandenong.

Please contact the Litter Prevention Officer on 8571 5100, if you would like any further information on the manual or to obtain any copies of artwork/templates.
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1 Litter

Litter is the most visible sign of environmental pollution in the community and remains a major environmental concern. The costs to Council, other organisations such as VicRoads, the EPA, community groups and private landowners for cleaning up and disposing of litter are significant and ever increasing.

The presence of litter is also known to contribute to people’s perception of their immediate safety in the community and presents a health risk, i.e. syringes, broken glass and toxic chemicals.

Consequently, the benefits of taking action to prevent littering and responding to the issues extend well beyond the immediate visual impacts of litter.

2 What is Litter?

*The Environment Protection Act 1970 (the Act) defines litter in the State of Victoria as litter includes any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without limiting the generality of the above, includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings, but does not include any gases, dust or smoke or any waste that is produced or emitted during, or as a result of, any of the normal operations of the mining, building or manufacturing industry or of any primary industry;*

Another way to think of litter is as ‘any item that is put where it is not meant to be.’

While the most recent National Litter Index report indicates an overall decrease in littering trends across Australia compared against previous assessments, it is evident that littering is still a major problem.

Ultimately, the control of litter is everyone’s responsibility; governments, private industry and the community. Although litter is seen as a serious issue, it is difficult problem tackle as people continue to litter despite various attempts to deter them. These litterers may be residents, but also visitors to our City. The impact of this littering and the expense in clearing and disposal need to be minimised.
3 Dealing with Illegally Dumped Rubbish

Illegally dumped rubbish is becoming a major concern for Councils as the amount has increased significantly in recent years. Illegally dumped rubbish is commonly found outside of multi unit dwellings, on nature strips and in rural/industrial areas. Rubbish dumping that occurs outside of multi unit dwellings is very common, as the population is often transient and residents do not always know the correct way of disposing of their hard rubbish.

Council officers attend to dumped rubbish problems either via reports (from customers/staff) or as a result of proactive patrols.

On attending a dump site, the officer should look through the rubbish to see if there is any material that might identify the person who dumped it. Material that would identify someone could include:

- letters, receipts, invoices or other documents showing names and addresses;
- product boxes with store IDs and/or bar codes that might identify the purchaser;
- photographs, CDs, memory sticks containing digital files.

If there is no evidence or identifiable material in the dumped rubbish, the officer should then sticker or tape the rubbish with Council's bright yellow 'Illegally Dumped Rubbish' Sticker or 'Illegally Dumped Rubbish' tape.
Officers find that in over 50% of cases, by attaching the sticker or tape on the rubbish, offenders will remove it or contact Council to find out how they can legally dispose of their rubbish. This approach can lead to faster removal of rubbish and savings in clean up costs for Council. It can also help spread the message through a neighbourhood that dumping rubbish is not tolerated by that community.

After placing a sticker or tape on the illegally dumped rubbish, officers should leave Illegal Litter Alert cards at any neighbouring properties, asking residents to contact Council if they have any information about the dumping. See Section 4 below, for further information on these cards.

The officer would then leave the site and return within 72 hours. If there has been no contact and the rubbish is still out on public land, the officer should then organise for it to be cleaned up and removed.

If evidence has been found or a resident has supplied information as to where the rubbish may have come from there are a few things that may occur.

- If any evidence has been found in the form of a bill or a letter, a notice would be sent under S.45ZI of the Act. An officer may seek information from a Real Estate Agent, Phone Authority (Telstra or Optus), a business or organisation where the officer believes that agency may have current details of the person that was involved or has some information on how the rubbish was dumped at a location. The penalty for failing to comply with this notice is an ‘on the spot’ fine of 2 penalty units.

- If rubbish has been dumped outside a rental property and there is proof that the tenants or ex-tenants have dumped the rubbish, an officer should contact the Real Estate Agent or owner of the property and organise for them to remove the rubbish; if the ex-tenant's whereabouts is unknown. A S.45X notice may be issued under the Act, directing the tenant, owner/s or Body Corporate to remove the rubbish. The penalty for failing to comply with this notice incurs an ‘on the spot’ fine of 12 penalty units.

**Note:** At the time this manual was prepared, a penalty unit was equal to $144.00. The value of a penalty unit is indexed and generally increases each year.

- If the rubbish is of a significant amount and an officer identifies the alleged offender/s, the officer should invite the offender/s for an interview. After completing the interview, the officer should assess all of the evidence gathered and if satisfied that a case can be proven, prepare a brief of evidence recommending that a summons be issued.

- If the brief is approved, the accused would then be prosecuted in the Magistrates Court of Victoria. If the matter is proven, the prosecutor may also seek Council’s clean up costs in addition to the penalty imposed by the Court.

Section 8 of this manual sets out specific, step by step procedures for actioning and investigating each of the common types of litter complaint.
4 Litter Alert Cards

Council has established ‘Illegal Litter Alert’ cards which are used at multi unit dwellings and properties where rubbish has been illegally dumped on the nature strip or other public land. The cards are left in every letterbox at the neighbouring properties. They advise the resident that officers are investigating an illegal dump and ask them to contact the officer if they have any information as to where the litter has come from.

Officers have found the cards to be very successful at multi unit dwellings, as residents will often call the officer and inform them of whom they witnessed dumping the rubbish. Residents who have dumped the rubbish often receive a card in the mail and remove the refuse without contacting Council. All officers are provided with their own personalised Illegal Litter Alert cards so that a resident can call the officer directly and remain anonymous if they wish to.

![Illegal Litter Alert Card Image]
5 Hard Waste Collection

Council offers one free at call hard waste collection service to all residential properties per financial year. The collection allows for a maximum of 2 mattresses and up to 3 cubic metres of rubbish per collection.

If residents need more than one collection per financial year they can contact the Council contractors and pay for an additional collection. Council’s hard waste contractor offers these additional collections at a very competitive rate.

If a resident books in a collection with Council they are sent a pack that contains a Pink sticker to put on their rubbish, which indicates that the collection has been booked in, an information card which advises what can be put out for collection and what will not be collected.
Carrying Booked Collection stickers with you at all times. We can avoid more complaints or complaints that we are not taking action by using these stickers.

Check the hard waste bookings spreadsheet before leaving the office, or take the list with you (Weekly version). The List contains contact numbers of the person/s booking the collection so inquiries can be made direct if required.

At regular stages through this process the complainant must be contacted and provided with either feedback on your investigation, or advice on what action you are planning.

** If evidence is located within the rubbish or an offender can be identified the appropriate EPA Notices are to be issued and saved in Objective.

** If the rubbish contains dangerous or hazardous materials, immediately phone through to Operations Centre and request a collection. DO NOT HANDLE THE RUBBISH.

Create New Merit for Ops staff to collect – Make notes in original Merit. Follow instructions in Section 8 of this manual in respect of further investigation and enforcement.

** Key:
- Merit - Council’s reporting system
- Objective - Council secure records management system
7 Notices under the Environment Protection Act 1970

All Councils who are listed as a Litter Authority with the Environment Protection Authority are able to issue notices under most parts of section 45 of the Act. Council officers need special delegations to issue notices under Sections 45X and 45Y (see descriptions below).

Attached is a brief overview of each section and notices that can be issued by officers, along with advice on when they are most appropriate.

7.1 45J Notice
A person who issues an infringement notice, or files a charge, against a person who is deemed guilty under section 45G(1) or 45G(2) must ensure that the infringement notice, or the charge, is accompanied by a notice under this section. The notice must:

a) contain a copy of sections 45E, 45G, 45H and 45I; or
b) name the person giving the notice; or
c) contain that person's business address.

This notice is to be sent out with any litter infringements where the identity of the litterer is unknown. For example: a cigarette butt thrown out of a vehicle. In the first instance, the infringement would be issued to the last registered owner of the vehicle. They may not have been the driver or the person who flicked the cigarette butt out of the vehicle. This notice advises them of what they need to do if they were not responsible for the offence. (Objective document A519460)

7.2 45P Notice
This notice enables Council to direct an advertiser to disclose the name of the distributor of unsolicited material i.e. posters placed on building, poles etcetera. This section requires the advertiser to provide the name and address of the person who was responsible for distributing the document in a particular area. The person must provide these details to the authorised officer, in writing, within 7 days after receiving a written request from the officer. Failing to comply with this request can render a person liable to an 'on the spot' fine of 2 penalty units or upon conviction by a Court to a fine not exceeding 10 penalty units. (Objective document A415026)

For example: This notice can be sent out to an advertising company, requesting the name and details of the person/s, who placed brochures on vehicles parked in public land.

7.3 45X Notice
A 45X notice enables Council to direct someone to remove litter if an opinion is formed that 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 and welfare of members of the public; or
b) unduly offensive to the sense of human beings; or
c) a hazard to the environment.

The litter authority (Council) 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.
A person who receives such a direction must comply with the notice.

Penalty: Failure to comply with this notice attracts an ‘on the spot’ fine of 12 penalty units or upon conviction by a Court, a fine not exceeding 40 penalty units.

A 45X notice is best described as similar to a notice to comply. The notice specifies what you require the person to do and in what time frame. For example: to remove the pile of dumped concrete at the end of Taylors Road, Dandenong South by Thursday 27th December 2013.

7.4 45ZB Litter Abatement Notice
If an officer believes, on reasonable grounds that a person (or company) carries out any activity that has caused, or is likely to cause, the deposit of litter contrary to section 45E or that a person is the occupier of premises from which litter has, or is likely to, escape, the officer may serve a Litter Abatement Notice on the person.

A Litter Abatement Notice may require the person to do one or more of the following;

a) to not deposit litter contrary to section 45E;
b) to ensure that no litter escapes from any premises occupied by the person;
c) to do, or not do, specified things to ensure that the person does not breach this Part.

A person who has been served with a Litter Abatement Notice must comply with the notice. Penalty: 20 penalty units.

A Litter Abatement Notice may specify a period of time within which any requirement it imposes must be complied with i.e. within 14 days of the date of the notice.

A Litter Abatement Notice must also contain a copy of sections 36AA, 45ZB, 45ZC and 45ZE; specify the period for which it remains in force (maximum 3 years); and be signed by the person giving the notice (the officer).

7.5 45ZI Notice
The purpose of a 45ZI notice is to enable Council to write to an individual or company requesting information where a litter enforcement officer believes, on reasonable grounds, that the individual or company had possession of particular litter at some time in the past. The notice requires the individual or company to respond within 14 days, or by a date specified by the officer. The notice also requires the respondent to provide in writing: how, when, where and why the litter left their possession and the name and address of anyone who had possession of the litter after them.

(Objective document A415022)

If an individual responds to a notice making admissions to dumping rubbish they may be issued an Official Warning or an ‘on the spot’ infringement, with the penalty being 2 penalty units.

This notice can be issued to anyone where litter has been found that can tie the object to the individual or corporation. For example: where a utility company bill has been found in a dump of rubbish that has a person/company name and address, a 45ZI notice can be issued giving them 14 days to respond to Council with how the rubbish left their possession.

Note: Examples of Notices are included at the rear of this manual.
8 Officer Procedures

The following section sets out detailed procedures for dealing with each key form of littering.

8.1 Pedestrian Observed Depositing Litter

The following relates to small items of litter dropped by a pedestrian and observed by an officer. Small items of litter might include food wrappers, drink containers, cigarette butts. S.45E of the Act applies in these cases.

a) Approach person, detail observations then interview in relation to incident.
b) Obtain name, DOB, address, reason for dumping and other relevant details.
c) Request offender to remove litter. Explain that failure to remove is a further offence.
d) If person complies with request, assess as to appropriate course of action (Official Warning, Infringement Notice or prosecution).
e) If person fails to comply, issue infringement notice or court proceedings, as the case may warrant.
f) Collect any evidence at site (i.e. item of litter) and take photograph of scene if practical.
g) Record details for future reference. Attach to infringement notice record in Property & Rating.

8.2 Litter Dropped from Vehicle

Where a vehicle is associated with littering, the offence is classified as Aggravated Littering (S.45F) and therefore attracts a higher penalty. Other forms of aggravated littering are dealt with later.

Even small items of litter dropped from vehicles fall into the aggravated littering classification, simply because of the vehicle involvement. Care must therefore be taken when selecting the correct infringement to be issued in these cases.

Littering of this type will often be observed by officers when on patrol i.e. cigarette butts thrown from car windows. Officers are expected to act on such observations whenever they can safely note and record details of the offence. Reports of this type of littering will also be regularly received from customers and other Council staff. The procedures to be followed are set out as follows.
8.3 Officer Observed Aggravated Littering (small items)

a) Note details of vehicle – make, model, colour, registration no., Location, direction of travel, no. of occupants.
b) Note how litter was dropped – i.e. from driver’s window. Also note type of litter e.g. cigarette butt (was it lit or not lit?)
c) If safe to do so, photograph vehicle.
d) Obtain last registered owner’s details from VicRoads. Check that registration record and officer notes match in terms of vehicle description.
e) Issue Infringement Notice to registered owner. Also issue S.45J notice to last registered owner and then mail both items to owner’s address.
   *(Objective Document A519460)*

8.4 Report of Aggravated Littering (small items)

a) Where a report is received from another person, ensure that this person has completed the relevant litter report form.
   *(Objective Document A415030)*
b) Check form to ensure that evidentiary requirements are met and that the reporter is prepared to attend court and give evidence if required. If so, follow steps (d) - (f) in section 8.3 above.

8.5 Other Forms of Aggravated Littering

The offence of aggravated littering also applies to instances where the litter includes any glass, metal, earthenware or crockery; or any materials that is a danger to any person or animal or to any land, waters, or vehicle.

In these cases, officers should take the following actions.

a) If littering is reported by another person, attend scene and assess complaint.
b) If satisfied that illegal dumping has occurred, search litter for any evidence as to who may have dumped it. Follow correct OHS practices during search.
c) Photograph scene. At this point the site should be assessed to determine whether litter should be removed immediately. For example, it might contain hazardous materials, be creating an obstruction or be particularly unsightly.
d) If litter requires immediate removal, arrange for a service request (Merit) to be completed ASAP. If it can be left safely for a short period, mark with litter tape or sticker, so that residents are aware Council is dealing with the matter.
e) In any event, litter should not remain on-site for longer than 72 Hours from the date/time it is inspected by an officer.
f) Interview complainant to see if they have any further information to assist investigation.
g) If appropriate, door-knock surrounding properties, to see if there are further witnesses. Leave ‘Illegal Litter Alert’ cards at properties where no-one is home.
h) Attempt to trace offender.
i) If litter search uncovers any documents providing name/s and address/s, send a S.45ZI notice to person/s named, requesting that they provide information as to how they disposed of the litter.
j) If person fails to respond, in writing, to the S.45ZI notice, forward an infringement notice for such failure.
k) If offender is traced through any other means, invite them to be interviewed in relation to the matter.
l) If appropriate, serve a S.45X notice on offender, requiring removal of litter.
m) If sufficient evidence of offence/s is present, prepare a brief of evidence.
n) If offender fails to respond to S.45X notice, consider additional charge for brief.
9 Dealing with Hazardous Materials

If Council receives a report for dumped rubbish where there is believed to be hazardous materials that have been dumped, an officer should attend and tape off the area. Hazardous materials may include: asbestos, oil drums, contaminated or poisonous materials. Council would then organise for Contractors to remove the refuse from public land.

Officers should not handle any material that appears to be hazardous. Contact time with any such material should also be kept to the absolute minimum required.

When requesting clean up of suspected hazardous material, officers must include in the request as much detail as possible about the potential hazard, to enable clean up staff to properly prepare and deal with the risk.

10 Traders waste around street litter bins

Council regularly deals with trader’s waste that has been dumped in or around public litter bins. An officer would investigate to see if they can identify where the refuse has come from. Council has a template letter (Objective Document A2074390) that is given to traders when we identify that traders waste is being deposited in or around street public litter bins.

The type of litter that is often found dumped includes: cardboard boxes, oil drums and food scraps. The investigating officer would initially deliver a letter to the traders advising that is an offence to place rubbish in public litter bins or leave rubbish next to the bins or on public land. If the problem persists after a warning letter has been issued, the officer may issue a Litter Abatement Notice to traders, under the Act, advising them to not allow any waste from their business to exit their property.
11 Dealing with Building Sites and Builders Refuse

Council is very proactive in dealing with building sites and ensuring that builder’s rubbish isn’t coming off the site onto the public land. The most common problems that Council faces with litter from building sites is in the form of; mud, sand or builder’s waste.

Where a problem is identified, an officer would attend and attempt to make contact with the builder on site. If this can’t be done, the officer should contact the building company, to advise them of the litter concern. If a building site has rubbish or mud/sand associated with it escaping from the property onto public land, a Litter Abatement Notice would be appropriate. The notice remains effective for a period of up to 3 years.

Council sets out the requirements on what needs to occur on the notice. This is an example of the directions given on a notice when dealing with a building site.

“Do not allow any litter rubbish or builders refuse including mud and/or sand to escape the property boundaries. Please ensure all builders refuse and litter is placed into an adequate refuse facility.”

12 Commercial Recycling and Donation Bins

Council does not allow recycling bins or charity bins to be placed on public land, without a permit. Council has previously come across commercial recycling bins that appear on Council Land. When this occurs the officer would attend the site and try to establish who the owner of the bin is.

If the owner can be established, a S.45X notice would be served, requesting that the bin be removed from public land by a certain time or date. If the bins are not removed by the owner, Council would then organise for them to be impounded and securely stored by contractors.

These bins are impounded under Council’s Local Laws. The bins would be held for 14 days and then disposed of, if not retrieved. The owner of the bin would be liable for both the impounding and release fees of the bins plus may face infringements.

In 2013 Council successfully prosecuted a commercial recycling business in the Dandenong Magistrates Court. The director of the company and the company were fined $800 each + court costs. The accused also had to pay the impounding and release fees of the bins which totalled $1000.
13  **Charity Stores and Rubbish Dumping**

Council assists charity stores that are dealing with people dumping rubbish and donations after hours. Here is a list of some of the items that have been dumped outside a charity store: *damaged electrical goods, soiled mattresses, household rubbish including soiled nappies, broken items and rags.*

These items are not able to be resold and the burden is left for the charities to dispose of them, obviously at a significant cost.

Council has designed and produced some A-frame signage that is being used after hours outside several charity stores within the municipality, advising that it is an offence to leave donations or dump rubbish after hours. These signs have been shown to decrease the amount of rubbish being left outside of charity stores after hours. Some stores also have a copy of the signage in the window of the store, as an extra preventative method. Below is the design of the signage that we have used at St Vincent De Paul Charity Store in Springvale.

![A-frame signage](image)

Here are some photographs of the St Vincent store in Springvale before and after the signs were being used after hours. There is a significant difference.

![Before and After photos](image)
14 Authorities and Delegations

Before any of the powers and authorities set out in this manual can be applied, officers must be appointed as 'Litter Enforcement Officers' under the Act. An example of a 'Deed of Appointment' is enclosed in the Appendix.

Whilst appointment as a Litter Enforcement Officer covers most of the provisions set out in Part VII of the Act, it does not provide authority to issue notices under sections 45X and 45Y. Officers need specific delegation before these provisions can be used.

Under section 98 of the Local Government Act 1989 Council has delegated certain authority to the Chief Executive Officer (CEO). The CEO has then in turn delegated some of that authority to the Manager Regulatory Services (MRS). Specifically, the MRS has delegated power to appoint Litter Enforcement Officers and authorise them to issue notices under S.45X and 45Y.

It is important for officers to check and confirm that they have received these delegations in writing, before exercising any powers under the Act.
15 Case Studies

In October 2011, Council received a complaint of illegally dumped rubbish outside a multi unit dwelling in Springvale. Officers attended the site, went through the dumped rubbish and removed evidence that was in amongst it, took photographs and stickered/taped the illegal dump.

Officers then organised for the rubbish to be immediately removed as there were 11 mattresses, several televisions, several pieces of furniture and other electrical appliances dumped on the footpath, nature strip and onto the adjacent service road.

Officers then attempted to contact the resident of the unit identified in evidence found in the dumped rubbish. Other residents of the units advised the officer that the tenants had moved out and dumped all of their rubbish.

The officer then contacted the owner of the unit, who was able to supply the details of the agents who were managing the property. The Real Estate Agent was contacted and they supplied the tenant’s new residential address and phone contact details.

Several attempts were made to contact the ex-tenant (accused) by telephone. Eventually contact was made and she made admissions over the phone to the officer that she dumped the refuse, but refused to come into Council for an interview.

The officer, accompanied by Council’s Prosecutor, then attended at the accused’ new address and gave her the opportunity to indicate what items and the amount of rubbish that was dumped by herself and her family members. The accused admitted to dumping 6-8 mattresses, furniture and electrical equipment but stated that other residents must have added to the pile.

The accused was charged on summons and failed to attend the court hearing. The prosecution was finalised in the accused absence (ex-parte), where she was fined $250 without conviction and ordered to pay cleanup costs of $650.

This story made front page of the local newspaper, providing an excellent deterrent for other potential offenders.
Evidence was found in both of these dumps above and the offenders were prosecuted. A 45ZI notice was sent under the Act to three different people whose evidence was found in the dump. All three accused failed to respond to the notice and were subsequently issued with a $282 infringement each. This dead end road in Bangholme has now been closed to prevent people accessing the site and dumping rubbish.

This dump included over 2000 catalogues, hard waste and a trailer. Officers investigated and organised for the catalogues to be removed by the distributor.
Council was also able to prosecute the offender by tracing the barcodes to find the purchaser who may have dumped the empty television box through the Harvey Norman store that had sold the television set.

A 45ZI notice was sent to the purchaser. The offender came into Council to apologise and plead his guilt. He was subsequently issued with a $282 infringement for depositing litter.
Appendix One

Examples of Notices, Standard Letters and Deed of Appointment
NOTICE UNDER SECTION 45ZI
ENVIRONMENT PROTECTION ACT 1970

To:
I, Rebecca Laurito, a Litter Enforcement Officer of the City of Greater Dandenong, believe on reasonable grounds that you at some time in the past had possession of litter comprising:

This litter was found in

Accordingly, under the provisions of the Environment Protection Act 1970 (sections 45ZI & 45ZJ of which are included below) I require you to personally give to me in writing, within 14 days of the date of this notice, all of the following information which is within your knowledge or possession:

1. How, when, where, and why the litter left your possession.
2. The name and address of anyone who had possession of the litter after the litter left your possession.

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

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 had possession of particular litter at some time in the past.
(2) A litter enforcement 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.
   Penalty: 20 penalty units.
(5) Subject to section 45ZI (8), a statement made under this section is admissible in evidence in any proceedings.

This notice issued by: Rebecca Laurito, a Litter Enforcement Officer of the City of Greater Dandenong, 39 Clow St, Dandenong, Victoria. POSTAL ADDRESS: PO Box 200 Dandenong Vic 3175. PHONE: 9239 5100. Office hours: 8:30AM-5:00PM Mon-Fri.
Officer's Signature: ........................................................................ Date: 01/01/2013

FAILURE TO COMPLY WITH THIS NOTICE WILL RENDER YOU LIABLE TO AN "ON THE SPOT" PENALTY OF MORE THAN $200 OR, UPON CONVICTION BY A COURT, A FINE UP TO 20 PENALTY UNITS.
LITTER ABATEMENT NOTICE
SECTION 45ZB, ENVIRONMENT PROTECTION ACT 1970

To

As you are the occupier of, or carry out activities on, premises at [insert address] which litter has escaped and/or is likely to escape, take notice that you are to comply with the following requirements;

Do not allow any litter, rubbish or builders refuse including mud and/or sand to escape the property boundaries. Please ensure all builders refuse and litter is placed into an adequate refuse facility.

You are to comply by [insert date] This notice remains effective for a period of one year.

Signature of Issuing Officer......................... Name of Issuing Officer: Rebecca Laurito Date:

From the Environment Protection Act 1970

45E. Deposit of litter generally
(1) A person must not deposit any litter unless—
(a) the person deposits the litter in any place—
(i) that is provided for the deposit of litter; and
(ii) that is appropriate for litter of that size, shape, nature or volume; or
(b) the person deposits the litter in or on a place in such a way that it cannot leave the place without human assistance and the person—
(i) owns, controls or is in possession of the place; or
(ii) is acting with the express consent of the person who owns, controls or is in possession of the place; or
(c) the person is authorised to deposit the litter by or under an Act or a Commonwealth Act; or
(d) the deposit of the litter is an unavoidable consequence of a lawful activity; or
(e) the deposit is accidental and the person does everything that is reasonably possible to retrieve the litter.
(2) For the purposes of sub-section (1) (d), a consequence is unavoidable if there is no reasonably practicable way of avoiding it.

Penalty: 40 penalty units.

45ZB. Litter abatement notice
(1) If—
(a) a person carries out any activity which has caused, or is likely to cause, the deposit of litter contrary to section 45E; or
(b) a person is the occupier of premises from which litter has, or is likely to, escape—
a litter enforcement officer may serve a litter abatement notice on the person.
(2) A litter abatement notice may require the person to do one or more of the following—
(a) to not deposit litter contrary to section 45E;
(b) to ensure that no litter escapes from any premises occupied by the person;
(c) to do, or not do, specified things to ensure that the person does not breach this Act.
(3) A person who has been served with a litter abatement notice must comply with the notice.

Penalty: 20 penalty units.

45ZC. Period for which notice remains in force
(1) A litter abatement notice remains in force for the period specified in the notice.
(2) A period of up to 3 years may be specified in the notice.

45ZD. Form of notice
A litter abatement notice must—
(a) contain a copy of sections 36AA, 45ZB, 45ZC and 45ZE; and
(b) specify the period for which it remains in force; and
(c) be signed by the person giving the notice.

45ZE. Amendment or revocation of notice
A litter enforcement officer may amend or revoke a litter abatement notice at any time by serving a written notice of amendment on the person to whom the litter abatement notice applies.

36AA. Reviews in respect of section 45Y directions and litter abatement notices
(1) A person who is served with—
(a) a direction under 45Y(2) or (4); or
(b) a litter abatement notice under section 45ZA—
may apply to the Tribunal for a review of any provision of the direction or notice that the person believes is oppressive, unjust or unreasonable.
(2) The person must lodge the application within 28 days after receiving notice of provision.
(3) If a person lodges an application, the person need not comply with the direction or notice until the application is withdrawn or dismissed, or the direction or notice is confirmed or varied by the tribunal.
NOTICE UNDER SECTION 45J ENVIRONMENT PROTECTION ACT 1970

45E. Deposit of litter generally
(1) A person must not deposit any litter unless—
   (a) the person deposits the litter in any place—
       (i) that is provided for the deposit of litter; and
       (ii) that is appropriate for litter of that size, shape, nature or volume; or
   (b) the person deposits the litter in or on a place in such a way that it cannot leave the place without human assistance and the person—
       (i) owns, controls or is in possession of the place; or
       (ii) is acting with the express consent of the person who owns, controls or is in possession of the place; or
   (c) the person is authorised to deposit the litter by or under an Act or a Commonwealth Act; or
   (d) the deposit of the litter is an unavoidable consequence of a lawful activity; or
   (e) the deposit is accidental and the person does everything that is reasonably possible to retrieve the litter.

(2) For the purposes of sub-section (1) (d), a consequence is unavoidable if there is no reasonably practicable way of avoiding it.

Penalty: 40 penalty units.

45G. Owners, drivers etc. of vehicles from which litter deposited liable for littering
(1) If litter is deposited from a vehicle contrary to section 45E, the following are deemed to be guilty of an offence against section 45E—
   (a) the driver of the vehicle; and
   (b) the registered owner of the vehicle; and
   (c) any person authorised by the registered owner to use the vehicle at the time the offence was committed.

(2) If a person deposits litter contrary to section 45E and was seen arriving at or leaving the place where he or she deposited the litter in a vehicle, the registered owner of the vehicle is deemed to be guilty of an offence against section 45E.

(3) However, a court must not find a person guilty under this section unless the court is satisfied that no other person has been found guilty of depositing the litter and that—
   (a) it is not practicable to discover who deposited the litter; or
   (b) it is not possible to file a charge against the person who deposited the litter; or
   (c) it is unlikely that the filing of a charge against the person who deposited the litter would result in a finding of guilt.

(4) Also, a court must not find the registered owner or authorised user of a vehicle guilty under sub-section (1) unless it is satisfied that it is not possible to file a charge against the driver of the vehicle.

45H. Other exceptions to section 45G
(1) Section 45G (1) does not apply if—
   (a) the vehicle is a train, tram, bus, ferry, passenger ship, passenger plane or other public transport vehicle; and
   (b) the litter was deposited by a passenger of that vehicle; and
   (c) the vehicle was being used for a public purpose at the time the offence was committed.

(2) Section 45G (1) does not apply if the vehicle is a taxi and the litter was deposited by a passenger.

(3) Sections 45G (1) (b) and (c) and (2) do not apply if the vehicle was a stolen vehicle at the time of the offence.

(4) Sections 45G (1) and (2) do not apply if the person who is deemed to be guilty gives a statutory declaration that complies with section 45I within 14 days after receiving a notice under section 45J to the person named in the notice.

45I. Form of statutory declaration
(1) The statutory declaration must—
   (a) declare that the person saw another named person deposit the litter and declare—
       (i) the address of that person; or
       (ii) that the person does not know the address of that person and the reasons why the person does not know the address; or
   (b) declare—
       (i) that the person did not deposit the litter; and
       (ii) that the person did not see who deposited the litter; and
       (iii) the name and address (if known) of any person who was in or near the vehicle at the time the litter was deposited.

(2) If a person who is deemed to be guilty is not a natural person, the person may comply with section 45I (4) by giving the litter enforcement officer a statutory declaration made by the person who was driving the vehicle at the time of the offence.

(3) A statutory declaration that complies with this section is admissible in any proceedings as evidence of the matters stated in it.

This notice issued by Rebecca Laurito, Senior Litter Enforcement Officer, City of Greater Dandenong, 39 Clow St, Dandenong, Victoria. POSTAL ADDRESS: PO Box 200 Dandenong, VIC 3175.
Litter Infringement Notice No.
Residential Amenity Unit

WRITTEN REQUEST FOR INFORMATION
UNDER SECTION 45P ENVIRONMENT PROTECTION ACT 1970

To: of

I am an Authorised Officer of the City of Greater Dandenong, believe on reasonable grounds that you are the person on whose behalf advertising material has been printed which comprises..........................

This material was found at .................................................................
on....................................................... Accordingly, under to the provisions of the Environment Protection Act 1970 (section 45P of which is included below) I require you to personally give to me in writing within 7 days from the date of service of this written request the name and address of the person who was responsible for distributing this advertising material.

45P Advertiser must disclose name of distributor
(1) This section applies to a person who commissions the printing of a document that is distributed as an unsolicited document.
(2) The person must give a litter enforcement officer the name and address of the person who was responsible for distributing the document in a particular area.
(3) The person must comply with sub-section (2) within 7 days after receiving a written request for the information from the officer.

This written request issued by

☐ delivering it to the advertiser personally at .................................................................

................................................................. (address)

☐ leaving it for the advertiser at .................................................................

................................................................. (address)

☐ being the advertiser’s last or most usual place of *residence/business with a person who apparently resided or worked there and who apparently was not less than 16 years of age.

☐ posting it by prepaid post at.................................................................

* DELETE WHICH IS NOT APPLICABLE.

By....................................................... an Authorised Officer of the City of Greater Dandenong, 39 Clow St, Dandenong, Victoria. Office hours: 8:15AM-5:00PM Mon-Fri. POSTAL ADDRESS:
PO Box 200 Dandenong VIC 3175. ........................ PHONE: 9239 5100

Officer’s signature: ................................................................. Date of issue: .................................

FAILURE TO COMPLY WITH THIS NOTICE WILL RENDER YOU LIABLE TO AN “ON THE SPOT” FINE OF MORE THAN $200 OR, UPON CONVICTION BY A COURT, A FINE OF UP TO 10 PENALTY UNITS.
ENVIRONMENT PROTECTION ACT 1970
NOTICE UNDER SECTION 45X
DIRECTION TO REMOVE LITTER

TO: (Owner/Occupier)
(Address)

WHEREAS (officer name) "Authorised Officer" as per Local Government Act 1989, Section 98, is delegated to carry out the power and duty or functions of the City of Greater Dandenong ("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 below, by 17 MAY 2013.

NOTICE REQUIREMENTS

1. Remove litter (describe litter) from (describe location).
2. Return the area to its original condition prior to litter being deposited.

The objective in issuing this notice is 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 requirements which must be complied with by the date shown above, unless a different date is specified in the requirement.

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.
Penalty: 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 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.
Penalty: 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 of Notice)

............................................................................................................................

(Officer name)
LITTER ENFORCEMENT OFFICER
City of Greater Dandenong

NOTE:

FAILURE TO COMPLY WITH THIS NOTICE WILL RENDER YOU LIABLE TO AN ON-THE-SPOT FINE OF TWELVE (12) PENALTY UNITS ($1,728.00) OR, UPON CONVICTION BY A COURT TO A FINE NOT EXCEEDING FORTY (40) Penalty Units.
The Business Operator

Dear Sir/Madam,

**DUMPING OF RUBBISH IN COUNCIL BINS AND ON PUBLIC LAND**

Council has received a report that several businesses in Buckingham and Balmoral Avenue in Springvale are doing the following:

1. Placing their rubbish in the Council bins out on the street.
2. Placing their rubbish in bins that belong to other businesses/residents
3. Leaving rubbish next to the Council bins.

These are littering offences. If your business is getting rid of its rubbish in one or all of these ways, Council requests that you **cease immediately**.

Council bins are not for domestic or commercial use and rubbish bins belonging to others are not for general use.

Please note that failure to cease littering in this manner will result in infringements being issued and possible court action.

Should you wish to discuss this matter further, please contact me on 9238 1501.

Yours faithfully,

REBECCA LAURITO
Litter Prevention Officer
Confidential Litter Report Form

Incident Information (* denotes mandatory field)

OFFENCE COMMITTED BY

<table>
<thead>
<tr>
<th>Driver * ☐</th>
<th>Passenger – Front ☐ Rear ☐</th>
<th>Sex - Male ☐ Female ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Rego *</td>
<td>Colour *</td>
<td>Make and/or model *</td>
</tr>
<tr>
<td>Body type (tick one) *</td>
<td>Sedan ☐ Station wagon ☐ Hatch ☐ Ute ☐ 4-wheel Drive ☐ Other (describe)</td>
<td></td>
</tr>
<tr>
<td>Date *</td>
<td>Time *</td>
<td>Suburb *</td>
</tr>
<tr>
<td>Street *</td>
<td>Nearest cross street *</td>
<td>Direction of travel *</td>
</tr>
</tbody>
</table>

DESCRIBE WHAT YOU SAW *

Please ensure that your description is as detailed as possible, including a description of the litter and the offender where possible. Please retain any notes you made at the time of the report.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

YOUR DETAILS

Your personal details will remain strictly confidential unless you are required to attend court as a witness. We respect your privacy. We will not sell or give away your personal information, unless required by law. Occasionally, we may use your details for our own research purposes or to let you know about other council information. If you want to see your personal data, modify your details, or if you receive information from us you do not want in the future please contact 9239 5100.

<table>
<thead>
<tr>
<th>Name *</th>
<th>Phone * (H)</th>
<th>(W)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address *</td>
<td></td>
<td>Postcode *</td>
</tr>
<tr>
<td>Name of witness (if applicable)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

YOU MUST BE PREPARED TO ATTEND COURT IF REQUIRED

I declare the above information to be true and correct and I am willing to attend court

<table>
<thead>
<tr>
<th>Signature *</th>
<th>Date *</th>
</tr>
</thead>
</table>

Upon completion forward form via internal mail to: Administration Unit, Regulatory Services.
Instrument of Appointment of a Litter Enforcement Officer
Litter Prevention Officer – (name)

I am the Manager Regulatory Services (MRS) of Greater Dandenong City Council (“Council”).

1. I am authorised to make appointments and authorisations set out in this Instrument of Appointment of Litter Enforcement Officer ("Instrument") by the terms of an instrument of sub-delegation dated 28 June 2011 and made by the Chief Executive Officer of Council.

2. The Chief Executive Officer is authorised to sub delegate the authority to make such appointments by an instrument of delegation made by Resolution of Council, on 9 October 2006.

3. By this Instrument, I appoint and authorise (name) as a Litter Enforcement Officer, pursuant to Section 4 of the Environment Protection Act 1970 ("the Act").

4. By this Instrument, I further appoint and authorise (name) to issue notices pursuant Sections 45X and 45Y, Section 5 of the Environment Protection Act 1970 ("the Act").

5. A reference to the Act in this Instrument includes any reference to any subordinate instrument made under that Act.

6. This person is empowered to exercise all the powers and perform all the duties and functions whether mandatory or discretionary which are prescribed by, or directed under, or which can be exercised or performed by, a Litter Enforcement Officer under the Act or regulations made there-under.

7. This instrument shall continue to have effect according to its terms until otherwise amended or revoked by any subsequent instrument in writing made pursuant to the authority of the Council.

Dated this ............day of ...................2012

Manager Regulatory Services, Greater Dandenong City Council  

Specimen Signature of Authorised Officer, Greater Dandenong City Council