

Section 104(3) Protection of the Environment Operations Act 1997

Notice requiring payment of reasonable costs and expenses – prevention notice

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

Attention: <insert contact name>

Notice Number «NoticeNumber»

File Number “FileNumber”

Date «NoticeIssueDate»

Notice requiring payment of reasonable costs and expenses – prevention notice

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

The <insert authority name> issued Prevention Notice No. «LinkedNoticeNo» to «AcctPartyName» («AcctPartyACN») on «LinkedNoticeIssuedDate» (the **prevention notice**) under section 96 of the *Protection of the Environment Operations Act 1997* (the POEO Act) to you on «LinkedNoticeIssuedDate» and has incurred costs and expenses in connection with <monitoring/compliance/other associated matters – delete as appropriate>. The <insert authority name> is requiring repayment of the reasonable costs and expenses in accordance with s 104(3) of the POEO Act.

What are you required to do?

Please read this notice carefully and make payment to the <insert authority name> by the date required. If you have any queries about this matter, please contact <insert contact name> on <insert contact number>.

Background

1. The <insert regulatory authority name> has responsibility for enforcement of the POEO Act.
2. Section 104(3) of the POEO Act enables the <insert relevant authority>, where it has issued a prevention notice under s 96 to a person, to require that person to pay all or any reasonable costs associated with <monitoring action under the notice/ensuring compliance with the notice/other associated matters [delete as appropriate]>.

- 3. On <enter date – this can be a date range> «AcctPartyName» («AcctPartyACN») was the <occupier of/person carrying on an activity at – delete as appropriate> at <enter location – Use Lot/DP or be as specific as possible> (the premises).
- 4. The <insert authority name> issued a clean-up notice to «AcctPartyName» («AcctPartyACN») on <insert date>.
- 5. The <insert authority name> undertook the following <monitoring/compliance/associated> actions:
 - a. < monitoring/compliance/associated action>
 - b. < monitoring/compliance/associated action>
 - c. < monitoring/compliance/associated action>.
- 6. As a result, the <insert authority name> has incurred the following costs and expenses:

Quantity	Description	Unit Price (inc. GST)	Total (inc. GST)
	<e.g. "installed air monitoring equipment">	\$	\$
	<e.g. "pumped out four bores">	\$	\$
Total (inc. GST)			\$

Requirement to pay reasonable costs and expenses

The <insert authority name> requires «AcctPartyName» («AcctPartyACN») to:

- 7. Pay the following costs and expenses incurred by the <insert authority name> which the <insert authority name> considers to be reasonable in the circumstances:

\$<total amount inc. GST if applicable> in connection with the <monitoring/compliance/associated> actions carried out by the <insert authority name> by <insert date – specify an exact day/month/year, at least 14 days from date of notice; can be longer for larger payments>.
- 8. Make payment to the <insert authority name> by either [include as appropriate]:
 - a. sending a cheque for the total amount to:

<insert authority name>
<insert authority postal address>

OR
 - b. depositing the total amount into the following Westpac bank account:

Account name:
BSB:
Account No:

OR
 - c. [specify alternative means of payment].

.....
<NoticelssuingOfficer>
<NoticelssuingOfficerTitle>
<NoticelssuingOfficerSection>
(by Delegation)

Information about this notice

This notice is issued under section 104(3) of the *Protection of the Environment Operations Act 1997*.

What you can do if you are not the polluter

If you comply with this compliance cost notice but you are not the person who caused the pollution or pollution incident to which the notice relates, you have a right to go to court to recover your costs of complying with the notice from the person who caused the pollution or incident.

Non-compliance with this notice

If you do not pay the costs and expenses set out in this notice by the due date specified in the notice, the <insert authority name> will consider taking legal action to recover the amount owing.

Registration of the notice in relation to land

The <insert authority name> may apply to the Registrar-General to register the notice in relation to any land owned by you. If the Registrar-General registers the notice on any land owned by you, then this will create a charge on the land to secure payment to the <insert authority name> for the amount specified in this notice.

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