Elements of offence: s145 POEO Act - A person who deposits litter If answer to this question is "no" Substance is There has "LITTER" **ELEMENT NO: 2 ELEMENT NO: 1** If the answer to ANY of these questions is "yes" been a **ELEMENT NO: 3** "DEPOSIT" questions is "yes" HAS THERE BEEN A "DEPOSIT"? IS THE SUBSTANCE "LITTER"? WAS THE DEPOSIT IN A 'PUBLIC PLACE" OR Substance is AN "OPEN PRIVATE PLACE"? If the answer to ALL of these questions is "no" There has If the not "LITTER" been no 'DEPOSIT" Evidence/Avenues of Questions to be Evidence/avenues Questions to be Questions to be Evidence/avenues of answered of enquiry <u>answered</u> enquiry Check answered enquiry whether Check Photos. Witness (a) Is the matter a breach of whether (a) was the matter Photos showing that other pollution breach of (a) has the substance solid or liquid observations statements, the place is a public deposited in a public offences. other domestic or recorded in been dropped or surveillance pollution If the place/open private place? offences. thrown in, on, into or commercial refuse, notebook and substance is footage, photos or place If the waste and the onto the place? debris or rubbish? samples in order to video as evidence OR substance is Observations place is an waste and determine nature of the litter being unlawful recorded in OR the place is **AND** (b) was the matter waste facilty, of the substance deposited. notebook describing an unlawful check ss 144 deposited in an open and whether it Observations waste (b) When (b) has the substance the nature of the and 143 private place? facility, satisfies the POEO. recorded in deposited in or on been left? place. check ss If the criteria for litter. notebook of a place does the 144 and 143 substance OR POEO. evidence that the matter make the has caused If the place disorderly or litter was harm or likely If the answer to ALL of these questions is "no" If the answer to EITHER of the questions is "yes" (c) has the substance substance harm, check does it deposited. has caused ss 115 and been put in such a detrimentally affect harm or 116 POEO. location that is falls, likely harm, the proper use of Litter deposited No breach of s145 of If the matter descends, blows, is check ss that place? POEO Act has polluted Breach of s 145 of 115 and 116 washed, percolates or land check POEO. POEO Act otherwise escapes or is s 142A POEO If the matter or water likely to fall, descend, has polluted check s120(1) blow, be washed, land check POEO. s 142A percolate or otherwise POEO or escape into or onto the water check place? s120(1) POEO. **DEFENCE: HONEST AND REASONABLE MISTAKE** Questions to be Evidence/avenues answered of enquiry Did the defendant Interview with honestly and owner reasonably believe in a state of facts which would make the defendant's act innocent (if true)?

1

If the answer to this questions is

Breach of s 145 POEO Act

If the answer to this questions is

Defence established

No breach of s 145 of POEO Act