

Protection of the Environment Operations Amendment (Confiscation and Forfeiture of Vehicles) Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Protection of the Environment Operations Act 1997* (“the Act”) to provide for confiscation and forfeiture of vehicles used in connection with the illegal dumping of rubbish. The proposed amendment (new Part 5.6B of the Act):

- (a) enables an authorised officer of a regulatory authority (eg the EPA or a local council) to seize a vehicle that the officer has reason to believe has been used by a person in connection with offences under the Act relating to waste disposal and the dumping or depositing of litter (eg domestic or commercial refuse or rubbish),
- (b) provides that the authorised officer can only seize such a vehicle if the officer is satisfied that the offence concerned was committed in the course of carrying on a business or otherwise for fee or reward, and
- (c) provides that a court may order the forfeiture of any such vehicle if the court finds a person guilty of the offence in respect of which the vehicle was seized, and
- (d) requires a confiscated vehicle to be returned to its owner if proceedings for the offence in respect of which the vehicle was seized are not commenced within 28 days after its seizure.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendment to the *Protection of the Environment Operations Act 1997* set out in Schedule 1.

Schedule 1 amends the *Protection of the Environment Operations Act 1997* in the manner described in the overview above.