



## Minister for Police, Fire and Emergency Services

Ref No: 14160 P11 JF

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Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISANE QLD 4000

Dear Mr Laurie

I refer to petition number 2202-13 lodged with the Queensland Legislative Assembly on 11 February 2014. The principal petitioner is Mr Andrew Harper of Windsor. The petition calls for proposed amendments to the recently amended vehicle impoundment provisions of the *Police Powers and Responsibilities Act 2000* (the Act).

The petition states that while offences of driving illegally modified vehicles are included as Type 2 offences in the Act, defective vehicles pose more of a threat and should replace modification offences in the Act. Consequently, the petitioners request the words 'driving an illegally modified vehicle' be replaced with the words 'driving an unsafe vehicle', in the Act.

Chapter 4 of the Act 'Motor vehicle impounding and immobilising powers for prescribed offences and motorbike noise direction offences', contains the legislative basis for vehicle impoundment and immobilisation. It outlines that two categories of offences, Type 1 and Type 2, can trigger an impoundment or immobilisation.

Type 1 offences carry heavier penalties and encapsulate characteristic hooning type behaviours including dangerous operation of a vehicle, racing and speed trials, and making unnecessary noise or smoke. To trigger an impoundment action these must occur in circumstances involving a speed trial, a race between motor vehicles or a burn-out.

Type 2 offences are offences that have been identified as typically accompanying hooning behaviours. They carry lower initial penalties, however, repeat offences may still result in long-term impoundments or the forfeiture of vehicles. Type 2 offences are defined in section 69A(2) to include:

- Driving an uninsured/unregistered vehicle;
- Driving a vehicle without a licence;
- Drive while over the high alcohol limit;
- Fail to supply specimen as required;
- Drive a vehicle not in compliance with vehicle standards; and
- Exceeding the speed limit by more than 40km/hr.

There is no doubt that offences relating to driving defective vehicles, such as section 5(1)(b) of the *Transport Operations (Road Use Management — Vehicle Standards and Safety) Regulation 2010*, pose a safety risk to road users. For this reason, police do and will continue to take enforcement action in relation to such offences when detected.

Defective vehicle offences are not, however, included in the vehicle impoundment provisions as they are not among those identified as associated with hooning behaviour, which the legislation and associated penalties were intended to address.

As with defective vehicles, driving vehicles in contravention of vehicle standards also put road users at risk. Standardised design rules for vehicles are critical for maintaining road safety. Ensuring all vehicles comply with set safety standards is an important mechanism in minimising harm on our roads. Breaches of these safety standards through illegal modifications are often associated with hooning behaviour. As such, breaches of these provisions are included amongst Type 2 vehicle impoundment offences as a means of furthering the Government's strong stance against anti-social hooning behaviour.

It is worth noting that illegal modification has long been included among Type 2 offences and the inclusion of these offences in the impoundment regime is unchanged from previous legislation. Those breaching these provisions are, however, impacted by the amendments in that there is no longer a requirement for a repeat offence, which triggers a harsher penalty, to be of the same type as the first offence for the impoundment penalty to apply. Furthermore, the initial impoundment period has increased from 48 hours to seven days.

I would like to stress for the benefit of the petitioners and the Queensland motoring public in general, that only illegally modified vehicles and owners engaging in anti-social and unsafe driving behavior will be affected by these changes - law abiding citizens with legal modifications have nothing to fear. With this in mind, you may be assured that the legislation has no effect on motorists or motoring enthusiasts who drive and operate vehicles within the law.

Should Mr Harper and the petitioners have any further enquiries, Senior Sergeant Robyn Reynolds, Road Policing Command, QPS is available on telephone (07) 3099 6037.

I trust this information is of assistance.

Yours sincerely



Jack Dempsey MP  
**Minister for Police, Fire and Emergency Services**