

From: [Russel Soper](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012
Date: Friday, 30 November 2012 9:25:42 AM

Dear Sir/Madam,

I am writing to request your consideration regarding a subject that I and thousands of my friends are very passionate about. Three days ago a Bill was tabled in Parliament which will change the lifestyles of thousands of Queenslanders without them most likely even being aware that it is likely to affect them at this stage. The Bill and the way that it is drafted is going to give the Police the ability to make a judgement call on a "modified vehicle" on the side of the road and potentially impound that vehicle for up to 3 months. Now the standard response from every letter I have written this year (dozens of them and I have met with Seath Holswich and Jason Woodforth in Brisbane) is that if you aren't doing anything wrong you won't have a problem. Well that's ok if you have checks and balances in place to ensure that due process has been followed such as getting a warrant and proving beyond doubt that the person was committing a "hooning offence" or that there is reasonable grounds to believe that the vehicle has been illegally modified. As this Bill reads now the Police can act on a "Hoon Hotline" anonymous tip about a noisy vehicle and impound your vehicle without proof.

In the meantime, I would urge you to take specific note of Section 8, Sub-Section 12 of the Imperial Acts Application Act, which clearly states that all fines and forfeitures - including forfeiture of your vehicle - before conviction, are illegal and void. Therefore, any such State legislation would also be illegal and void and of no legal force or effect.

Section 109 of the Commonwealth of Australia Constitution Act further states that where there is a conflict between a law of the State and a law of the Commonwealth, the latter shall prevail. There is simply no lawful basis what-so-ever for this new "legislation" and it should be and will be challenged at point.

Owning a muscle car, hot rod or modified old school car isn't just a thing that we do, it's a way of life. I was brought up in the Burdekin with my friends building cars in the shed, going to the drags in Townsville, Palmyra Dragway in Mackay and at Willowbank Raceway here in Brisbane, I have worked for Shannons Classic Car Insurance, watched cars race at Lakeside, Townsville, Queensland Raceway and at the Gold Coast. I have been to Charity car shows all over Queensland and beyond, these people are my family and my closest friends. They all feel the way I do and hopefully some more of them will write to you as I am to discuss the targeting of our way of life.

I understand totally the need to get rid of anti-social behaviour as much as anyone but the targeting of older Street Machines, Muscle Cars and Hot Rods will hurt a significant number of people whether it is the automotive industry, charities, car clubs and most of all the people that genuinely care for our way of life.

Collectively as a group we are just as disappointed as anyone about the anti-social behaviour of the idiots that continue to drive dangerously in almost every area of Australia, more often than not in unmodified cars and worst of all on P plates. Targeting these drivers is exactly what we as a community want more than anything yet us enthusiasts that drive safely, raise money for charity, promote a healthy family orientated way of life are targeted by the Police, the Main Roads Department and the media like we are common criminals.

Most people wouldn't understand how we feel about cars, and wonder why we pour all our money into the stupid things. It's because we don't know any better and

we absolutely love them. Some people play sports, some people collect stamps but we love cars. The thing is, I wouldn't change it for the world. I wish all the people that judge us from what they see on TV could spend a few weekends in my shoes and see what I see and talk to the people I share the same passion with, I guarantee it will change your perception. The happiness I feel driving my V8 powered HQ Holden that I got from my grandparents makes every bit of hard work and headaches worth it in the end, this is my passion and I write to you in an effort to make it known that the problem does really genuinely lie elsewhere with the anti-social idiots that we as a community wish to see removed from our roads.

I have been actively involved in lifting the standard of light vehicles in mining through my past role at BMA in recent times as an active member of the team that introduced 5 star ANCAP rated vehicles. I was also heavily involved in introducing the BMA freight and wide load packaging policy which has 100% stopped the loss of BMA's packaged and palletised goods falling on to our highways in front of unsuspecting mothers, daughters, grandparents etc, this alone has saved hundreds of lives already.

I am more than happy to offer insight, advice or to be actively involved on any committee that is tasked with tackling this very real problem.

I am a genuine motoring enthusiast who is passionately interested in road safety but one who feels that although the intent of this proposed new Bill is generally working towards road safety in some way it needs strong controls to ensure that widespread misuse of the powers does not become out of control.

Thank you for your time in considering my email and I eagerly await your response.

Russel Soper

Fleet and Inventory Officer



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