

Todd Holdsworth



**Police Powers (Motor Vehicle  
Impoundment) & Other  
Legislation Bill 2012  
Submission 014**

Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

30 January 2013

Re: Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012

Dear Sir/Madam

I write to you with concerns regarding the *Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012*. While I support the Government's stance on ridding the public roads of persons demonstrating dangerous behaviour when operating a motor vehicle, I do not support certain clauses of the abovementioned Bill.

The primary reason for this is that Police are people, and I agree that if a person is in the wrong and is intentionally entertaining ill behaviour, they need to accept the consequences of their actions. However, if one is innocent, though their actions are perceived by a Policeperson to be of intentional wrongdoing, they could be harshly and unfairly penalised under the new Bill. It would also be grossly unfair if this individual were to have their vehicle confiscated or destroyed, and not have the chance to plead their innocence in front of a magistrate. I am happy there is a framework for Police to rely on to help eradicate 'hoons', but Police are people too and can make mistakes, and I am strongly against not having an avenue of appeal.

The clauses I strongly object to are:

**Part 2, Clause 5 - Amendment of s 69 (Definitions for ch 4);**

**Part 2, Clause 8 – Amendment of s 71**

Just one example of why I am opposed to Part 2, Clauses 5 and 8: About 4 years ago on a Sunday afternoon, a close friend of mine (always good intentioned and kind natured), driving an older, but immaculate and very well maintained roadworthy older vehicle had a slight engine issue on the way home. His knowledge of motor vehicles is extensive enough that he could diagnose this issue when he arrived home. During his travel home, his vehicle stalled on a roundabout. With another vehicle approaching at speed, he quickly started the engine and moved his vehicle out of the way of the approaching vehicle as quickly and as safely possible. While doing this, his driving wheels broke traction for a split second, then gained the grip needed to safely move out of the path of the approaching vehicle.

Directly after this, he was followed by a Police vehicle, for several kilometres. He was eventually pulled over and questioned, at which point the Police officer stated he had executed a burnout from the roundabout to halfway up the street to the next intersection, and that the smoke could be seen by the occupants of the coffee shop at said intersection. There was no smoke visible, and the coffee shop was not open. My friend tried to defend himself, but it was hopeless as the officer continued to tell him his version of events. My friend's car was impounded, making it much more difficult for him to travel to work. He also had to pay to have the car released. His case eventually went to court where he was proven innocent and did not receive a fine. This did not substitute the extra money spent on travel and the amount of inconvenience caused.

Under the new Bill; he may have had his car impounded for 90 days, for something he was not guilty of. Even if the Policeperson that pulled him over saw his driving wheels break traction for a split second, he could have claimed it was for a much longer period and still have his vehicle unfairly confiscated, meaning my friend would have to find alternative transport to work for 3 months.

I do not believe it is right to take away a person's right to a fair trial, which this Bill does.

This Bill has the potential to destroy this great state's lively vehicle enthusiast culture that has a rich history dating back more than 70 years, by making the well-intentioned scared to take their pride-and-joy out onto the road. The same culture my parents; uncles and aunts; and grandparents have enjoyed for decades. Generally when someone is passionate about something they are usually at a higher skill level than one who is not, and from my years of speaking with other motor vehicle enthusiasts, they are usually quite perfectionist when it comes to the execution their driving skillsets.

Further to this, I have read through statistics relating to crashes resulting in fatally and critically injured people as a result of motor vehicle incidents, and the number caused by 'hooning' is negligible, which makes this Bill appear to me as a knee-jerk reaction to a minority of people with persistent complaints. I do not understand why a large number of people should be penalised because a seemingly angry small minority have complained about another even smaller minority, that the media have created the perception of as being a majority.

I have been running events for my car club for the last 6 years, and in this time I have seen many new young members join. Most of these people drive a little too aggressively at first, much like many young people when they first obtain their licence and don't fully understand how potentially dangerous driving a motor vehicle in public can be. The difference is however, that these people assimilate into the club culture and settle their driving attitude down, while learning there is a time and a place for everything automotive. They start coming to events at venues designed to legally use your vehicle for recreation, instead of finding somewhere on the streets to do it. These young people then have an influence on their friends and family and through these channels the culture flows. I am concerned if the motor vehicle enthusiast culture is harmed and people no longer want to travel to and/or attend public events out of fear, this culture and awareness will decrease or cease to spread and our roads will become more of a danger.

Over the years I have learned there is a very small minority of people who will do whatever they want, whenever they want despite the law. I know this is no different for the motor vehicle enthusiast scene, and if this Bill is passed, there will be people who will try to outrun the Police for fear they will have their car confiscated or crushed, which again will make our roads more of a danger. These types of instances will end up in heartache and will headline the media.

I believe this Bill will be amended to better suit the Queensland public, I just hope this isn't after it is passed and lives are lost as a result. Much like mechanics will always have a more appropriate skillset than Police for finding vehicle defects, so too would motor vehicle enthusiasts be better at amending issues with this Bill if included in the decision-making process, as we too would like to rid the streets of the minority of people maintaining our seemingly bad reputation. We understand how these people think and can offer ideas and more subtle, more effective means on how to sway their mentality and attitude rather than trying to scare or force them to change, which we know for the majority of people is not effective.

Please reconsider and revise the above clauses, and add a motor vehicle enthusiast or several (of varying ages) to the Committee, before this Bill becomes Queensland law, and help protect our way of life.

Yours sincerely

Todd Holdsworth