

# Australian Street Machine Federation - Qld Division Inc.



P.O. Box 5443, West End. QLD. 4101      IA03381

31 January 2013

Police Powers (Motor Vehicle Impoundment) & Other Legislation Bill 2012  
Submission 017

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

## **RE: POLICE POWERS AND RESPONSIBILITIES (MOTOR VEHICLE IMPOUNDMENT) AND OTHER LEGISLATION AMENDMENT BILL-2012**

Australian Street Machine Federation Queensland Division Inc history

The Australian Street Machine Federation (A.S.M.F.) was formed in July 1984 when the different Street Machine Associations from throughout Australia agreed to unite into a combined organization to represent the sport of Street Machining in Australia.

Australian Street Machine Federation Queensland Division Inc membership is open to all Street Machine enthusiasts and is available in two categories.  
Direct membership to the A.S.M.F. as an individual  
Membership through an affiliated club.

Australian Street Machine Federation Queensland Division Inc offers support for affiliated clubs providing promotion, judging, scrutineering and advisory services. (Clubs must have at least six current direct ASMF members to be able to affiliate)

The following clubs are affiliated with the Australian Street Machine Federation Queensland Division Inc, and have a combined membership base of approximately 2000 members in addition to the ASMF Qld Div Inc's direct membership of 410 members.

- Top of the Range Street Machines
- Queensland Drag Racing Association
- Queensland Chrysler Association
- North Coast Street Machines Inc
- Monaro Club of Queensland Inc
- Chrysler Owners Club of Queensland Inc

The ASMF Qld Div Inc also fully endorses the creation of the Queensland Chapter of the Australian Confederation of Motor Clubs Inc.

What is a Street Machine?

A Street Machine is a vehicle that has been restored or modified. Many Street Machines do not have large motors and are not capable of high speed. All are owned by Enthusiasts.

## Our Submission

This amendment will have a negative community impact that, will directly and unfairly affect and penalise genuine car enthusiasts and our members.

Without any recourse, other than applying to the "Comissioner" to release a wrongly empounded vehicle a person could find themselves with no way to get to their place of employment. A process that can take up to five days.

Would the officer that has empounded the vehicle have a duty of care to the occupants of the car that they are returned to a place of safety or to their place of residence?

### **Amendment of s69 (definitions for ch4)**

The amendment to the term "Burn Out" without the production of smoke will seriously disadvantage enthusiasts and owners of older vehicles, and those less fortunate that can not afford a vehicle with traction control.

Example: A young inexperienced P plate motorists could be at a set of traffic lights facing uphill in the wet in an unladen utility. He is beside a new car with traction control. Both vehicles take off from the traffic lights, however the unladen ute has trouble maintaining traction, whilst the new vehicle has the same loss of traction until the traction control kicks in. A police officer notices both cars, and stops the utility driver & charges him with the Class 1 hooning offence of "Burn out" because his car has a sustained loss of traction without generating smoke. Immediately causing the forfeiture of the vehicle.

This scenario could be replayed on any wet or gravel road surface when driving an older vehicle as commonly used by our members.

### **Clause 74 Amendment of s122 (Protection from liability)**

This clause will releases the police officer of any responsibility to ensure that the vehicle is stored & towed or left immobilized appropriately. If a vehicle is not handled correctly it could leave the person further disadvantaged that they personally liable for any repairs that are required.

### **Who is responsible for the costs of towing, holding & release, or damage to a wrongly empounded vehicle?**

Clause 73 only contains provision for a vehicle that has been disposed of to be able to be compensated for. Nothing for Damage to a wrongly empounded vehicle.

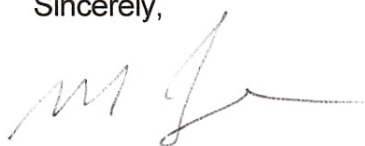
We also firmly believe that this amendment will increase the incidence of Unlawful use of a Motor vehicle (Vehicle Theft) & the associated dangerous driving related with the Unlawful use of a Motor vehicle.

People who do partake in honing behaviors will be inclined to steal cars rather than use their own vehicles as there is no provision in this act to appropriately enact the component of this legislation which is the loss (Financial or otherwise) of their vehicle.

If a car thief commits honing offences they can not lose the vehicle as they have never owned the vehicle the offences were committed in.

This will also affect our members as their vehicles could be targets for these thieving hoons. In this instance, the Hooning behaviors will continue, but may be amplified because of type 2 hooning offences of speeding & evading police.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mick Denman', with a long horizontal flourish extending to the right.

Mick Denman  
State Secretary & Treasurer  
Australian Street Machine Federation Queensland Division Inc