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To: [Legal Affairs and Community Safety Committee](#)
Subject: The Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012
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By e-mail to: lacsc@parliament.qld.gov.au
The Legal Affairs and Community Safety Committee
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Author:
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To whom it may concern –

Art meaning in its purest form is to create something that is different for people to appreciate. Artist use many different mediums for their art no one has the right to stop the artist no matter what medium they so choose to use be it canvas clay or even cars. Car enthusiast are a modern type of artist that use their cars for their form of art it does not mean that we are "HOONS" or criminals and we should not be treated as such we just use our own way to express ourselves. If these laws are passed it will devastate all the industries that rely on these artist as ill as the artist themselves in turn they will stop spending it will cause a knock on effect towards the economy which will suffer due to the drop in spending and cripple all automotive industry as a car enthusiast and an owner of a small business in vehicle photography that relies mainly on car enthusiast I believe that it will be forcing unemployment which this country has already got enough of due to the ridiculous taxes that has already been forced upon us. The new antihoon legislation is unfair as it not only targets hoons but anyone with a nice car that may not even be a hoon as it gives the right for police to impound a car for the slightest of tyre spin even though it might be purely accidental due to a slippery road with loose gravel or a greasy substance on the road plus some other concerns listed below:

The concerns I have with this Bill include -

1. I believe these amendments, Sections 85 and 85A – Omit, Motor Vehicle Impoundment Bill 2012 should be repealed. The Police will have too much power – the legal system / courts should punish offenders not Police. Traffic offences outside of the Impoundment Bill 2012 at least have a section on a ticket where you have an option to take the matter to court to attempt to prove your innocence.
2. I believe this amendment, Section 71 – Motor Vehicle Impoundment Bill 2012, should be repealed. Drivers will not have an opportunity to be proven innocent or guilty by a court of law – everyone in Australia should have this right. Even people who commit far worse offences are given this right. A person has committed an offence once the person is given an infringement notice in the proposed Bill. Impoundment or forfeiture of your vehicle is then automatic.
3. I believe these amendments, Section 79 A – 79 H – Motor Vehicle Impoundment Bill 2012, should be repealed. Applying to the Police Commissioner to release your vehicle if you believe that a vehicle impoundment was unreasonable, will create hardship etc, is not an independent person / organisation who can review your case without bias.
4. I believe this amendment, Section 69 – Motor Vehicle Impoundment Bill 2012, should be repealed. The current definition of a burnout in the Police Powers and Responsibilities Act 2000 (P.P.R.A.) is sufficient. The burnout definition in the proposed impoundment Bill is far too open for interpretation - especially when a Police officer decides your fate. For instance, a utility on a It road with no load in the back on light truck tyres could accidentally lose traction when taking off

from a set of traffic lights. This should not make the driver a potential target under the Motor Vehicle Impoundment Bill 2012.

5. There may be more high speed chases if people feel the Police will have all the power – people may take the risk of trying to escape if they feel they do not have a reasonable opportunity to prove their innocence.

6. Car enthusiasts will be (and already are) victimised because of the hoon stereotype. The proposed Impoundment Bill will accentuate such discrimination.

7. Type 1 offences, burnouts, racing and speed trials are offences against section 83 and 85 of the Transport Operations (Road Use Management Act) (T.O.R.U.M). The T.O.R.U.M relates to the proposed impoundment Bill. According to one T.O.R.U.M objective the Police will target road users who are least likely to comply with the T.O.R.U.M. With more power from the proposed laws, harassment from some police will increase. This T.O.R.U.M objective is prejudicial – it should not give some Police the opportunity to target anyone. I believe this proves that the line everyone has heard that if you are doing nothing wrong, you have nothing to worry about is simply not true. (T.O.R.U.M can be found at www.legislation.qld.gov.au – Acts, SL as in Force, Letters – T, find Transport Operations (Road Use Management) Act 1995, Part 4, Objectives)

8. The anti-hoon laws have been in force for ten years. The current anti-hoon legislation is already tough enough. There must be other avenues that can be pursued when it comes to decreasing hooning IF it really is the major issue that it is portrayed to be. Under the current anti-hoon legislation, hoons already have the threat of having their vehicle impounded for a significant amount of time or forfeiting their vehicle to the State. Impoundment does not deter hoons now so how will tougher penalties stop them from driving dangerously?

9. In a media release that I heard on the radio, the Police Minister Hon Jack Dempsey MP said that this Bill is being tabled because the Police and government are trying to reduce Queensland's road toll and improve road safety. My research indicates that drugs and alcohol, inattention, inexperience and not obeying the road rules are the major causes of crashes in Queensland. Hooning does not appear to be a major cause of crashes in Queensland so why is Queensland going to possibly have the toughest anti-hoon laws in Australia? I understand the government is meeting a policy commitment but it appears hooning is more of a nuisance issue than a road safety issue. (Road Safety Statistics are available at www.tmr.qld.gov.au – Safety – Transport and road statistics – Road safety statistics)

10. Vehicle Modification laws are too open for interpretation. This makes it very difficult to comply with the law even when you are trying to do so to avoid a Type 2, illegally modified vehicle, hooning offence. Unlicensed drivers / unregistered vehicle owners can have their impounded vehicle returned on the basis that circumstances leading to the offence have been rectified i.e. paid registration fees or obtained a current licence. If a Police officer deems a vehicle is illegally modified, I would hope that vehicle owners will have a similar option where they could prove the illegal modification has been rectified or removed. Section 79 E - Motor Vehicle Impoundment Bill 2012

11. I believe that illegally modified vehicles, drink driving, unlicensed driving or driving an unregistered vehicle are not hooning offences at all - these offences should NOT be included in antihoon legislation. Any of these offences should NOT be grouped as one which may lead to a second, third etc type 2 offences.

12. Police officers should have the power to inspect vehicles for basic defects such as bald tyres, head light / tail light not working etc. Currently some Police are booking vehicle owners who have Modification Plates approving their vehicle's modifications; this has happened to me personally. Even worse, some Police are booking Approved Persons (people who are authorised to issue Modification Plates) or qualified mechanics with a roadworthy licence. I am sure the Police would not like anyone telling them how to do their job. Police do not have the required years of training / job experience to determine illegal modifications. Currently car enthusiasts can be on the side of the road for up to an hour while some Police try to find a defect. Police are always claiming they are under resourced. I am sure there are plenty of more serious offences that require their time.

13. Increasing the relevant period for a vehicle impoundment offence from 3 to 5 years. Drivers who lose demerit points have them back after 3 years. Why do impoundment offences attract a 5 year relevant period? I believe this amendment should be repealed.

14. If this Bill becomes law the punishments will not fit the crimes. One example - the Bill appears to punish burnout offenders (Type 1 offences) more severely than Drink Drivers (Type 2 Offences). Drink drivers are one of the biggest causes of crashes in Queensland? Why are Drink Drivers not punished appropriately?

Burnouts are not a major cause of crashes in Queensland. Why does this offence attract a harsh penalty such as crushing the owner's vehicle on just the second offence? There are far worse offences that attract a much smaller penalty. There is a time and a place but this penalty is very severe.