




Speech By
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MEMBER FOR TOOWOOMBA NORTH

**POLICE POWERS AND RESPONSIBILITIES (MOTOR VEHICLE IMPOUNDMENT)
AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr WATTS** (Toowoomba North—LNP) (7.47 pm): I rise to add to the debate and support the minister's motion on the Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012. What is the bill about? It is about making our roads safer. Roads are there for people to be able to get from A to B, for families to be able to use, for people to go on holidays. They are not there for street racing. They are not there for abusing. They are not there for people's own pleasure at the expense of all the other road users. So I think it is important that we understand exactly who this bill is aimed at and why we are doing it. It is aimed at the people who are endangering themselves and others on our public highways. I will go through the definition of 'hooning' because that is the colloquialism that is used in this bill. This definition is issued by the Centre for Accident Research and Road Safety—

"Hooning" refers to the act of using a vehicle in an irresponsible and dangerous manner in public places.

It is interesting that the member for Gaven has gone before me, as the first time I ever saw drifting was whilst I was setting up booths for a National Party candidate in Gaven. While I was standing there at one o'clock in the morning, I saw two cars come round a roundabout completely sideways and nearly hit each other. This went on for hour after hour as I was moving around the electorate setting up booths. I was just amazed that this kind of behaviour existed. That was many years ago and at that time I had not seen any evidence of that in Toowoomba. But clearly this recreation has grown and it has grown to a situation where it needs a legislative solution, and this bill is moving to that legislative solution and ensuring that we have penalties in accordance with what the community standards require.

Mr Rickuss interjected.

Mr WATTS: There will be nobody hooning up the Toowoomba range at the moment. They will be going much slower. I will outline what we are talking about. There are two types of offences and it is important that a distinction be made. A type 1 offence is defined in section 69A(1). It is a hooning offence committed in circumstances involving speed trials, a race or a burnout—for example, the dangerous operation of a vehicle, careless driving, participation in speed trials, or starting or driving a vehicle making unnecessary noise or smoke. So that is a type 1 offence. In Toowoomba last year there were 41 type 1 offences and 32 cars were impounded. Ultimately, if people are participating in speed trials or making excessive noise or smoke on the public highway when other road users are trying to go about their business, they deserve to have their cars taken off them and certainly they deserve to be charged.

A type 2 offence includes driving uninsured or unregistered, certain unlicensed or disqualified driving, driving with a blood alcohol concentration above particular levels, failing to provide a specimen of breath and driving while suspended or driving an illegally modified car. In Toowoomba last year there were 2,071 of those types of offences and 433 cars were impounded. Just to put that in some perspective, if we take the total impoundments under the current legislation—and we know

that it takes an officer about eight hours, on average, to process all that is involved—that is 3,720 hours of police time that was spent stopping these people from committing these offences by impounding their cars. In Toowoomba that represents an officer every day and a little bit over that. Everybody in Toowoomba wants more police on the beat—and I think the minister for providing that and ensuring that those numbers grow—but the fact is that we do not want them sitting behind desks filling out paperwork for this sort of thing. Having the ability to issue tickets or a notice to appear in a much simpler process is a good move. It will certainly streamline the process. It will mean that it will be easier for the cars to be impounded and that has frightened some of the people involved in modifying cars and using cars for their recreational pleasure.

The Toowoomba Regional Inc. Car Klub has written several submissions on this bill. I have engaged with its membership a lot to try to explain that if their cars are not illegally modified, if they meet all of the standards and if they do not get involved in street racing, they will not have their cars impounded. Recently, I went to the High Altitude Hot Rod Run, which the Minister for Tourism asked me to attend. It is an event that we sponsor and promote. We are not against the modified car industry in any way, shape or form. We are against people who wish to use their cars illegally on the public highway and endanger themselves and the lives of other people.

Let us go to the type 1 offence and what is proposed under the bill. For a first offence there will be an automatic 90-day impoundment of the vehicle. That is one of the things that has particularly upset some of the car enthusiasts and people who like to modify their cars such as some of the hot-rodders and others in my electorate. They are concerned that someone who does not understand the modifications that have been made will stop their car on a Sunday afternoon and impound it for 90 days. I questioned Officer Morrow from the QPS extensively on this issue. He explained to me that out of approximately 10,000 cars that had been impounded and about 50,000 tickets that had been issued—and these were 2011 figures—just 23 had been for illegal modification. So I think their fears are unfounded. There is also protection in this legislation that is, to a certain extent, better than that which existed previously. One of their objections was that the car can be impounded and they cannot go to court. I put it to people that if the police officer spent eight hours going through the paperwork and then impounding the vehicle and then they had to go to court to get the vehicle back, that process could take a long time. Under this legislation, if someone feels that their car has been impounded incorrectly or if there is a legitimate reason that car should not be impounded, they can appeal to the Commissioner of Police and he has five days to respond. If the car has been taken incorrectly, if there has been any fault or if there is good reason the car should be returned, people's rights have not been trampled in any way, shape or form. They will get the car back much quicker than they would if they had to go through a court process because our courts are obviously very busy.

This provision will keep it out of the courts. I think it has some sensible safety measures in it. A first offence under type 1 will receive a 90-day impoundment. A second offence will result in automatic forfeiture of the car and third and subsequent offences will receive the same. If a person continues to offend, they will continue to lose their vehicles once they have had one impounded for 90 days. I think that is highly appropriate because we need to change this behaviour. I have four children and my first is going to start driving this year. I certainly do not want her on the road as someone is trying to do wheel spins, drifting or anything else. It is incredibly dangerous. If people want to engage in those types of offences, then they deserve to have their car impounded for 90 days. If they have not learnt after that, they deserve to have their car taken off them.

The type 2 offence is the much more common type of offence. Under the current legislation it needs to be the same kind of offence. So it is a specific type 2 offence and it has to be that same specific type 2 offence. You can have a situation where someone has had many type 2 offences but not specifically in the same category and, therefore, the penalty was much less. We have changed that. It now does not need to be the same kind of offence. For a first offence under type 2, there is no impoundment of the vehicle; it is a notification and people will have to deal with that. On a second offence it is an automatic seven-day impoundment. That should give them a little bit of understanding that they need to either get the car registered, get their insurance up to date or whatever other corrective action is needed to ensure their car does not get taken off them. For a third offence it is a 90-day impoundment. If someone has committed three of the same category of offence and they are not learning, then they deserve to have their car taken off them for 90 days in my opinion. For a fourth offence or a subsequent offence, there will be automatic forfeiture of the car, and I absolutely support that.

A number of submissions were made to the committee. Whilst talking about them, I should thank all of those people who have submitted to the committee. I certainly thank my colleagues on the committee and the secretariat which does a lot of work in preparing the reports. A number of

submissions were made and one relates to burnouts. The bill seeks to change the definition. Previously there had to be smoke and a few other things. The bill states—

... burn out, for a motor vehicle, means wilfully drive the motor vehicle in a way that causes a sustained loss of traction of one or more of the wheels with the road surface.

Going back to my local car enthusiasts club, they have been very concerned. The Australian Street Machine Federation, Queensland division, submitted that a young, inexperienced P-plater might accidentally at a traffic light, while facing uphill, spin the wheels and technically a ticket could be issued to them or their car could be impounded. It is critical to read the definition carefully. It is not talking about a young P-plater who is learning how to drive, pulling away from a set of traffic lights. It says 'wilfully drive the motor vehicle in a way that causes a sustained loss of traction'. If it is not wilful, then it does not meet the requirements. Again, I put it to those clubs, those car enthusiasts and other groups that have contacted me, my office and other members' offices that if they are not wilfully trying to cause a burnout, then they are not breaking the law and, therefore, they should have nothing to fear from the law. I think it is important to understand that.

I refer to traffic infringement notices. The traffic infringement notice being introduced by this bill will make it much simpler and more efficient for the police to process these types of offences. It will allow a significant number of offences—high-end speeding, driving of an unregistered or uninsured vehicle, certain unlicensed driving and illegally modified vehicles—to be dealt with by way of a traffic infringement notice rather than a court appearance. That is actually more efficient for everybody. These are offences that would be obvious and that a lot of people may well just plead guilty to because they know when they get into court that they are in fact guilty. This will save the courts, the Queensland Police Service and the government a lot of time. It will also save the offender from appearing in court and dealing with the associated difficulties if all they are going to do is plead guilty. It is a very simple process. Obviously the notices are subject to the normal judicial process in terms of being challenged if people choose to do that.

I think a couple of other parts of the bill are worth mentioning. During the committee briefing I raised with the inspector the question of tickets being issued by overly enthusiastic officers. Chief Superintendent Morrow said—

A defect notice can be issued. In circumstances where an officer is uncertain—a vehicle has, for example, a supercharger through the bonnet and the officer is not certain if that is legal or not—there is an opportunity for the officer to issue an inspection notification. That vehicle then has to be inspected by an approved inspection agency. That is under the existing legislation. That happens every day. That happens now.

Again, the car enthusiasts who are concerned that an overly enthusiastic officer is going to pull them over as they are driving down the road and impound their car can be reassured that that will not be the case. Superintendent Morrow said further—

But I can tell you that our officers are very judicious in their application of this, particularly when we are talking about vehicle enthusiasts.

He then quoted the figures I quoted earlier: 10,000 total seizures, of which 23 were for illegal modifications. It is a tiny proportion of the tickets. I think it is something people are worried about when they do not need to be.

I think the legislation as written will make it much more efficient for the police to process these kinds of offences. It sends a very clear message to people who would commit these types of offences that the community is sick and tired of their behaviour.

Mr Costigan: They've had a gutful.

Mr WATTS: The community has absolutely had a gutful of it. I take the interjection from the member for Whitsunday. The community has had it. I have been to several Neighbourhood Watch meetings in my electorate of Toowoomba North attended by many people, some of whom are retired and ageing. They are very uncomfortable and afraid when they hear cars hooning around. One constituent, whose house is situated on a bend in the road, has decided to sleep in a different bedroom because they are very concerned about the noise as these cars come flying by in the middle of the night.

The people we are targeting are those who are doing illegal things on the public highway—things any decent Queenslanders is not willing to accept. We are certainly not targeting the car enthusiasts. I had a great time with the High Altitude Hot Rod Run and issuing some of the prizes for the various participants. I had a look at some fantastic cars. I myself would love to own a vehicle such as those owned by some of those people. They are absolutely their pride and joy. If they drive them sensibly and if their compliance is up to date, they have absolutely nothing to fear from this legislation. If they are endangering life on the public highway, if they are putting members of the public at risk, if

they are illegally modifying their cars with nitro and superchargers and things that do not meet requirements then their cars will be taken from them—and I think appropriately.

I think this is a good piece of legislation. I am very pleased that it has been brought before the House. I think our side of politics is tackling the tough issues that Queenslanders are sick and tired of, dealing with them head-on and coming up with practical solutions that will not only save court processing time but also actually deal with the issue. I commend the bill to the House.