



Queensland

Police Powers and Responsibilities and Another Regulation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 201

made under the

Police Powers and Responsibilities Act 2000

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Police Powers and Responsibilities and Another Regulation Amendment Regulation (No. 1) 2013*.

2 Commencement

This regulation commences on 1 November 2013.

Part 2 Amendment of Police Powers and Responsibilities Regulation 2012

3 Regulation amended

This part amends the *Police Powers and Responsibilities Regulation 2012*.

4 Amendment of pt 4, hdg (Directing traffic and vehicle related offences)

Part 4, heading, ‘and vehicle related offences’—
omit.

5 Insertion of new pt 4A, hdg and new pt 4A, div 1, hdg

After section 18—
insert—

Part 4A Impounding and immobilising motor vehicles

Division 1 Prescribed type 2 vehicle related offences

6 Replacement of s 20 (Application of Act, ch 4 to type 2 vehicle related offence—Act, s 73A(3))

Section 20—

omit, insert—

Division 2 Impounding and immobilising notices

20 Application of div 2

This division prescribes other information for section 78(4)(c) of the Act.

20A Impounding notices

An impounding notice must state the following—

- (a) that, before the motor vehicle may be recovered, the owner may be required to produce satisfactory evidence of the ownership of the motor vehicle;
- (b) that, if the driver is an adult, the driver will be required to pay the costs of removing or keeping the motor vehicle;
- (c) that, if the driver is a child and the child is found guilty of the offence for which the motor vehicle was impounded, the court may order the child or the child's parent or guardian to pay the costs of removing or keeping the motor vehicle;

- (d) that, if the owner of a motor vehicle fails to recover the motor vehicle after the period of impounding ends and the owner was the driver of the motor vehicle when it was impounded, the owner is liable to pay the costs of keeping the motor vehicle for each day after the period of impounding ends, whether or not the driver is found guilty of the offence for which the motor vehicle is impounded;
- (e) that, if the owner of the motor vehicle fails to recover the motor vehicle after the period of impounding ends and the owner was not the driver of the motor vehicle when it was impounded, the owner is liable to pay the costs of keeping the motor vehicle for each day after the period of impoundment ends that is more than 2 business days after the owner is given the impounding notice;
- (f) the penalty for unlawfully removing the motor vehicle from the place at which it is held;
- (g) the definition of *found guilty*, of an offence, under the Act.

20B Impounding notices for particular type 1 vehicle related offences

- (1) This section applies if a police officer impounds a motor vehicle under section 74A(1) of the Act because of a type 1 vehicle related offence and the officer reasonably suspects that, in addition to the initiating impoundment offence, and within the relevant period—
 - (a) the driver of the motor vehicle has been charged with having committed a type 1 vehicle related offence on 1 previous

occasion and the charge has not been decided; or

(b) the driver of the motor vehicle has previously been found guilty of a type 1 vehicle related offence committed on 1 previous occasion.

(2) An impounding notice must also state that—

(a) the motor vehicle can become the property of the State if the driver of the motor vehicle—

(i) has been found guilty of a type 1 vehicle related offence committed on 1 previous occasion within the relevant period; and

(ii) is found guilty of a second or subsequent type 1 vehicle related offence mentioned in section 74A(1) of the Act; and

(b) the motor vehicle can be taken to be forfeited to the State if—

(i) the motor vehicle is impounded until the end of proceedings under section 74A(2) of the Act; and

(ii) a court orders that a warrant issue for the arrest of the driver of the motor vehicle to be brought before the court to be dealt with according to law because the driver fails to appear before the court in relation to the charge for the initiating impoundment offence.

20C Impounding notices for particular type 2 vehicle related offences

- (1) This section applies if a police officer impounds a motor vehicle under section 74E(1) of the Act because of a type 2 vehicle related offence and the officer reasonably suspects that, in addition to the initiating impoundment offence—
 - (a) within the relevant period, the driver of the motor vehicle has been charged with having committed type 2 vehicle related offences on 3 previous occasions; and
 - (b) for each of the charges mentioned in paragraph (a)—
 - (i) the charge has not been decided; or
 - (ii) the driver has been found guilty.
- (2) An impounding notice must also state that—
 - (a) the motor vehicle can become the property of the State if the driver of the motor vehicle—
 - (i) has been found guilty of 3 type 2 vehicle related offences committed within the relevant period; and
 - (ii) is found guilty of the fourth or subsequent type 2 vehicle related offence mentioned in section 74E(1) of the Act; and
 - (b) the motor vehicle can be taken to be forfeited to the State if—
 - (i) the motor vehicle is impounded until the end of proceedings under section 74E(2) of the Act; and
 - (ii) a court orders that a warrant issue for the arrest of the driver of the motor vehicle to be brought before the court

to be dealt with according to law because the driver fails to appear before the court in relation to the charge for the initiating impoundment offence.

20D Immobilising notices

An immobilising notice must state the following—

- (a) that, before the motor vehicle may be recovered, the owner may be required to produce satisfactory evidence of the ownership of the motor vehicle;
- (b) if the motor vehicle is immobilised by the removal and confiscation of the vehicle's number plates—that before the motor vehicle's number plates may be returned, the person entitled to possession of the number plates may be required to produce satisfactory evidence of their entitlement;
- (c) that, if the driver is an adult, the driver will be required to pay the costs of removing or keeping the motor vehicle;
- (d) that, if the driver is a child and the child is found guilty of the offence for which the motor vehicle was immobilised, the court may order the child or the child's parent or guardian to pay the costs of removing or keeping the motor vehicle;
- (e) the penalties for unlawfully operating a motor vehicle—
 - (i) during a number plate confiscation period; or
 - (ii) when an immobilising device is attached to a motor vehicle;
- (f) the penalties for interfering with—

ENDNOTES

- 1 Made by the Governor in Council on 17 October 2013.
- 2 Notified on the Queensland legislation website on 18 October 2013.
- 3 The administering agency is the Queensland Police Service.

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