

# **Police Powers and Responsibilities (Motorbike Noise) Amendment Bill 2005**

## **Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Judy Spence MP**

### **Title of the Bill**

Police Powers and Responsibilities (Motorbike Noise) Amendment Bill 2005.

### **Objectives of the Amendments**

The objectives of the amendments are to:

- (1) clarify that section 59LF(1) only applies to the first motorbike noise order offence;
- (2) correct the application of section 59LV(3)(b) to include an application for a forfeiture order for a vehicle related offence or an application for an impounding or forfeiture order following a proceeding for a motorbike noise offence; and
- (3) clarify the application of section 59V(2)(b) by inserting omitted words.

### **Achievement of the Objectives**

The proposed amendments will amend section 59LF(1) 'Application for impounding order for motorbike noise order offence', 'section 59LV(3)(b) 'Community service instead of impounding or forfeiture order' and 59V(2)(b) 'Application of proceeds of sale' of the *Police Powers and Responsibilities Act 2000*.

### **Alternative Ways of Achieving Policy Objectives**

There is no alternative way to achieve the policy objectives.

## **Estimated Cost for Government Implementation**

It is not anticipated that there will be any additional funding required as a result of the legislation.

## **Consistency with Fundamental Legislative Principles**

The proposed amendments are consistent with the application of fundamental legislative principles.

## **Consultation**

Consultation was undertaken with the Department of the Premier and the Department of Justice and Attorney-General.

## **Notes on Provisions**

### **Amendment of clause 7**

Section 59LF ‘Application for impounding order for motorbike noise order offence’ of the Bill is amended to clearly provide that the application of the section is limited to the first motorbike noise order offence that a person has committed.

Section 59LV ‘Community service instead of impounding or forfeiture order’ of the Bill is amended to provides a link to a proceeding for a vehicle related offence or a motorbike noise offence giving rise to the application for the impounding order or forfeiture order.

### **Amendment of clause 12**

Section 59V(2)(b) ‘Application of proceeds of sale’ is amended by inserting the words, ‘the costs of’ in order to clarify the application of the subsection.