

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

Explanatory notes for SL 2013 No. 201

made under the

Police Powers and Responsibilities Act 2000
Transport Operations (Road Use Management) Act 1995

General Outline

Short title

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

Authorising law

Sections 78(4)(c) and 809(2)(c) of the *Police Powers and Responsibilities Act 2000*
Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The *Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Act 2013* (the amendment Act) amended Chapter 4 of the *Police Powers and Responsibilities Act 2000* (the PPRA). This Chapter provides for the impoundment and immobilisation of motor vehicles used to commit certain offences. As soon as reasonably practicable, upon a motor vehicle being impounded or immobilised, a police officer must give the driver of the vehicle or, if the driver is not the owner or only owner, each owner of the motor vehicle either an impounding notice or an immobilising notice. The amendment Act allows a regulation to prescribe the information that must be stated in these notices.

The *Police Powers and Responsibilities and Another Regulation Amendment Regulation (No. 1) 2013* (the amendment regulation) prescribes information that must be stated in impounding and immobilising notices so that the affected drivers and owners are informed of their obligations and liabilities in relation to the impounded or immobilised vehicles.

The amendment regulation further provides that while a vehicle's number plates are confiscated under section 74H of the PPRA, its registered operator does not contravene the provisions of the *Transport Operations (Road Use Management—Vehicle*

Registration) Regulation 2010 relating to the requirements for attaching number plates to vehicles.

Achievement of policy objectives

The amendment regulation achieves policy objectives by outlining the information that must be stated in impounding and immobilising notices issued when motor vehicles are impounded or immobilised under Chapter 4 of the PPRA.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the PPRA, including the purpose of providing police powers necessary for effective modern policing and law enforcement.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation, including the road safety objectives of the *Transport Operations (Road Use Management) Act 1995*.

Benefits and costs of implementation

The costs associated with implementation will be funded within existing budget allocations.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles. The prescribed information to be stated in impounding and immobilising notices relates to obligations and liabilities already imposed by the PPRA.

Consultation

The Department of the Premier and Cabinet, Department of Justice and Attorney-General, Queensland Treasury and Trade, Department of Communities, Child Safety and Disability Services, and Department of Transport and Main Roads were consulted in relation to the amendment regulation. The Office of Best Practice Regulation (OBPR) was consulted with regard to the Regulatory Impact Statement (RIS) system.

All parties consulted support the amendment regulation. OBPR has advised that the amendment regulation is excluded from the RIS system.