

Police Powers and Responsibilities Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 16

made under the

Police Powers and Responsibilities Act 2000

General Outline

Short title

Police Powers and Responsibilities Amendment Regulation (No. 1) 2016

Authorising law

Sections 78(4)(c), 809(1) and 809(2)(c) of the *Police Powers and Responsibilities Act 2000*

Policy objectives and the reasons for them

The objective of the *Police Powers and Responsibilities Amendment Regulation (No. 1) 2016* (the amendment regulation) is to remove inconsistencies between the *Police Powers and Responsibilities Act 2000* (PPRA) and the *Police Powers and Responsibilities Regulation 2012* (PPRR) in relation to impounding notices for vehicle related offences.

Part 4A of the PPRR prescribes what an impounding notice must state for the purposes of chapter 4 of the PPRA. In particular, sections 20B and 20C of the PPRR specify the circumstances (that the impounding notice must state) in which a motor vehicle 'can become the property of the State' and 'can be taken to be forfeited to the State'. The use of the word 'can' in both sections infers that the forfeiture process is discretionary. This is inconsistent with the provisions of the PPRA, which automatically impose forfeiture upon conviction. As recently pointed out by Judge Clare of the District Court in *Commissioner of the Queensland Police Service v Gough* [2015] QDC 254, forfeiture is 'effective upon conviction'.

Achievement of policy objectives

The amendment regulation amends sections 20B and 20C of the PPRR to clarify the circumstances in which a motor vehicle becomes the property of the State and is taken to be forfeited to the State.

The proposed amendments will ensure consistency between the PPRA and the PPRR in relation to impounding notices for vehicle related offences, and will result in the removal of misleading information from the impounding notices.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the PPRA.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation does not impose any additional cost on Government.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Department of Justice and Attorney-General, Department of the Premier and Cabinet, Department of Transport and Main Roads, and Queensland Treasury were consulted. All parties consulted support the amendment regulation. The Office of Best Practice Regulation within the Queensland Productivity Commission has advised that no further analysis is required under the Regulatory Impact Statement system guidelines.