

Extending Vehicle Impoundment Laws in Queensland: An Examination of the Pilot Project

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On 1 July 2007, legislation which furthered the use of vehicle impoundment as a sanction for non-hoon related offences was introduced as a pilot program in Queensland. Vehicle impoundment as a sanction has been in use in Queensland since November 2002 for hoon related offences such as burnouts, street racing and excessive noise and smoke. Amendments to Chapter Four of the *Police Powers and Responsibilities Act 2000* (PPRA) were passed in 2006, which renamed existing offences eligible for impoundment as “type 1 vehicle related offences” and created a new category of offences eligible for impoundment named “type 2 vehicle related offences”. There are five categories of type 2 vehicle related offences, as defined by s69A(2) PPRA:

- a) Driving a car that is both unregistered and uninsured
- b) Driving a car whilst unlicensed or disqualified
- c) Driving a car over the high alcohol limit ($>0.15\%$)
- d) Failing to supply a specimen of breath or blood or driving under 24 hour suspension
- e) Driving an illegally modified vehicle.

For type 1 vehicle related offences, when a person is charged with a type 1 vehicle related offence, the vehicle is eligible for impoundment for a 48 hour period. If a person is charged with a second type 1 vehicle related offence within a 3 year period, police may impound the vehicle for a 48 hour period and in addition, apply to a Magistrate to impound the vehicle for a further period of up to 3 months. If a person is charged with a third or subsequent type 1 vehicle related offence within a 3 year period, then police may impound the vehicle for a 48 hour period and in addition, apply to a Magistrate to forfeit the vehicle to the State. The new provisions for type 2 vehicle related offences are somewhat similar to this process, the notable exception being the creation of a “zero” offence. This is specific to type 2 vehicle related offences only. When a person is charged with their first type 2 vehicle related offence, no action is taken on their vehicle, instead proceedings are commenced through a notice to appear or arrest. If a person is charged with a second type 2 vehicle related offence (in the same category), this is classed as their first repeat offence, and police may impound the vehicle for a 48 hour period. The process then mirrors the type 1 vehicle related offence impoundment, in that a third offence or second repeat offence (in the same category) enables the vehicle to be impounded for a 48 hour period as well as the potential for a further 3 month impoundment, and a fourth offence or third repeat offence and higher (in the same category) enables the vehicle to be impounded for a 48 hour period and forfeited to the State.

This legislation was initially piloted in the North Coast and Southern Police Regions only and was expanded to the South Eastern Region on 1 December 2007. On 1 July 2008, the legislation was introduced to all remaining police regions, and is now in force across all of Queensland. This paper examines the results of the pilot program in the three police regions. During this time the North Coast, Southern and South Eastern Police Regions impounded 1708 vehicles for a 48 hour period and five vehicles were forfeited to the State. Out of those vehicles impounded for a 48 hour period, 89% of these were as a result of repeat unlicensed or disqualified driving. All five forfeited vehicles were as the result of persistent unlicensed or disqualified driving. In examining this material, the paper also considers the impact of vehicle impoundment as a sanction as well as other key issues for consideration given that the legislation is now in force across Queensland.