1. The Government has committed, through the ‘Safer Streets Crime Action Plan’, to introduce the toughest anti-hooning laws in the nation. The ‘Putting the Brakes on Hoons’ policy includes:
* hooning cars clamped and off the road for three months for the first offence; and
* hooning cars forfeited or crushed for any subsequent offence within the next 5 years.
1. To achieve this commitment, the Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012 (the Bill) amends Chapter 4 of the *Police Powers and Responsibilities Act 2000* (PPRA) and the *Police Powers and Responsibilities Regulation 2000* (PPRR). Chapter 4 of the PPRA provides two schemes for the impoundment and forfeiture of motor vehicles namely the type 1 and type 2 vehicle impoundment schemes. Further, amendments that address administrative and operational inefficiencies in these schemes have also been included in this Bill.
2. The Bill increases impoundment sanctions as follows:
* for type 1 vehicle related offences, impoundments to 90 days for the first offence and forfeiture for the second offence;
* for type 2 vehicle related offences, 7 days for the second type 2 offence, 90 days for the third type 2 offence and forfeiture for any subsequent offence.
1. Impoundment sanctions operate automatically rather than through court applications. An owner or usual driver of an impounded vehicle may apply to the Commissioner for the vehicle’s return in the following circumstances:
* the impoundment offence occurred without owner’s knowledge and consent;
* impoundment or forfeiture will cause severe financial hardship to the applicant or their family by depriving the applicant of the means of earning a living; or
* impoundment or forfeiture will cause severe physical hardship to the applicant or their family, other than by depriving the applicant of the means of earning a living.
1. The Bill will include ‘evade police’ and ‘high end speeding’ offences as type 1 and type 2 vehicle related offences respectively. Further amendment is made to allow for alternatives to traditional methods of impoundment. These alternatives include clamping, vehicle impoundment notices and the confiscation of number plates. Other changes include allowing different type 2 offences to apply to impoundment or forfeiture within the type 2 impoundment scheme and allowing police to take action against offending drivers by infringement notice, rather than by arrest or a Notice to Appear.
2. The Bill also amends the *Corrective Services Act 2006* (CSA) by providing that remanded prisoners may only be classified as maximum or high security. This reduces red tape and aligns with the Department of Community Safety’s commitment to redirect resources to front line services.
3. Cabinet approved the introduction of the Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012 into the Legislative Assembly.
4. *Attachments*
* [Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2012](Attachments/Bill.PDF)
* [Explanatory Notes](Attachments/ExNotes.PDF)