

House of Representatives
Supplementary Order Paper

Thursday, 15 October 2009

Vehicle Confiscation and Seizure Bill

Proposed amendments

Hon Clayton Cosgrove, in Committee, to move the following amendments:

New clause 7A:

To insert the following clause before clause 8 (after line 35 on page 7):

7A Confiscation of motor vehicle after second offence

Section 129(3) is amended by inserting after “any motor vehicle owned by the offender”, “or by the substitute for the offender”.

Clause 8:

To amend new section 129B(5)(e) by omitting “or confiscated and destroyed” (line 2 on page 10).

To omit new section 129F (line 1 on page 14 to line 2 on page 15).

Clause 14:

To omit this clause (line 27 on page 17 to line 4 on page 18).

Clause 16:

To omit this clause (line 5 on page 19 to line 29 on page 20).

Clause 19:

To omit from new section 141, subsection (2) (lines 15 and 16 on page 22).

Explanatory note

These amendments reinstate the original intention of the Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003, which was that after two street racing offences within four years, an offender's vehicle must be permanently confiscated.

The Vehicle Confiscation and Seizure Bill closes a loophole in that Act, by allowing vehicles owned by a third party, or "substitute for the offender", to also be confiscated. However, the Bill says that confiscation of a vehicle owned by a substitute for the offender is at the discretion of the Court. The amendment to subsection 129(3) of the Sentencing Act 2002 makes it mandatory for the Court to confiscate a vehicle on a second offence within four years, even if it is owned by a substitute for the offender.

The safeguards and appeal rights against seizure and confiscation for a substitute for the offender that are created by this bill remain.

Clauses 8, 14, 16, and 19 are amended or omitted as a result of the amendment to subsection 129(3) of the Sentencing Act 2002 because they relate to the new confiscation and destruction order on a third offence within four years. By amending this bill so that confiscation is mandatory on a second offence within four years, these third offence provisions will not be needed.
