



QUEENSLAND POLICE SERVICE

APPLICATION FOR EARLY RELEASE OF VEHICLE FROM IMPOUNDMENT/IMMOBILISATION

(Vehicle Related Offence)
Police Powers and Responsibilities Act 2000
Section 79A, 79C, 79E, 79G



Form 203
ver. 2 - 18/04/2019
Δ2

Used by an eligible person to apply to the commissioner for the release of a motor vehicle impounded or immobilised.

INSTRUCTIONS: Complete all relevant parts of this document and attach all required and/or supporting documents. All questions marked with an asterisk (*) must be completed. Tick relevant checkbox (☐) where applicable.

PART 1 - APPLICANT'S DETAILS

Owner or usual driver

Form with fields for First Name, Middle Name, Last Name, Date of Birth, Gender, Email Address, Address, Form of identification (Queensland Drivers Licence, Passport, Other suitable identification), and Identification number.

Are you the owner or usual driver of the impounded/immobilised vehicle?*

- ☐ Owner
☐ Usual driver

Impounded / Immobilised Vehicle details

Form with fields for Registration number, Make, Year, VIN/Chassis no, State, Model, and Colour.

Details of driver of the vehicle at the time it was immobilised or impounded

Form with fields for Full Name, Date of Birth, and Address.

PART 2 - TYPE OF APPLICATION

Application for the early release of an impounded or immobilised vehicle may be made by the owner or usual driver of the vehicle on one of the grounds specified below.

NOTE: The usual driver can not apply on the basis of grounds (iii) or (iv) below.

The type of information and supporting documents you are required to include as part of your application will be outlined below. The required information and documents will be specific to the ground on which you make this application.

Impounding/Immobilising Notice Service Details

This information can be located on the Service Details section of the relevant Impounding Notice or Immobilising Notice and will assist in the processing of your application.

Address details at which the notice was served:

Date it was served:

Police Officer's Registered Number:

WHAT IS THE BASIS ON WHICH YOU MAKE THIS APPLICATION?*

- (i) You or your family would suffer **severe financial hardship** if the motor vehicle was not release because you would be deprived of the means of earning your livelihood (s 79A) – *GO TO PAGE 3*
- (ii) You or your family would suffer **severe physical hardship** if the motor vehicle was not released (s 79A) – *GO TO PAGE 5*
- (iii) The prescribed offence happened **without owner's consent** (s 79C) – *GO TO PAGE 8*
- (iv) The **circumstances** giving rise to the offence **have been rectified** – the vehicle has now been registered or the the driver has now obtained a current valid drivers licence (s 79E) – *GO TO PAGE 10*
- (v) there were **not reasonable grounds** to impound or immobilise the vehicle (s 79G) – *GO TO PAGE 11*

Severe Financial Hardship

Statements / Information required

You will need to provide a statement and supporting information that outlines how a refusal to grant your application and release the vehicle would cause severe financial hardship to you or your family. This statement should include information regarding your work and financial details as outlined. Copies of any documents supporting the accuracy of the claims in your application should also be attached. If you require additional space to provide the required information, you can attach a legible written statement that includes the required information as part of the application.

Answer 'not applicable' if a question does not apply to your circumstances.

IMPORTANT NOTE: Your application must be supported by enough information to enable your application to be decided. If you do not provide enough supporting information your application may not be considered.

How will being deprived of your vehicle cause you or a member of your family severe financial hardship?*

Financial Details (documentary evidence of the following is required to be attached as part of this application)

What is your average weekly income?*

Do any other persons contribute towards your household income?*

- Yes
- No

What is your combined weekly income?*

Do you pay mortgage/rent/accommodation payments?*

- Yes
- No

How much do you pay weekly?*

Do you have any other loan and/or credit card repayments?*

- Yes
- No

What are your combined weekly repayments?*

What is your total weekly amount of other household expenses (eg. food, utilities, vehicle or other family expenses)?*

Work Details

What is your present employment status?*

- Casual
- Full time
- Part time
- Pensioner
- Self-employed
- Unemployed / Not presently employed

What is your occupation?*

Employer's name?*

Work Address?*

How many hours do you work each week? *

What type of work do you perform? *

How long have you been in this position? *

Dependants

Do you have any dependants?*

- Yes
- No

Provide the particulars of all dependants include full name, age and their relationship to you:*

Do your dependants live with you?*

- Yes
- No
- Other living arrangements

Provide details of the living arrangements of your dependants eg. joint custody, guardianship etc:

Provide details of how this financial hardship may affect your dependants: *

Your Employer's Statutory Declaration

Unless you are self employed, your application will only be considered if you also submit a signed Statutory Declaration from your employer that confirms that the applicant would be deprived of the applicant's means of earning a living if the application is refused.

Have you attached a signed Statutory Declaration from your employer?*

- Yes
 - No
 - I am self employed
- GO TO PAGE 12

Severe Physical Hardship

Statements / Information required

You must provide a statement that outlines how a refusal to grant your application and release the vehicle would cause severe physical hardship to you or your family.

You are required to attach to your statement statutory declarations from other persons, other documentary evidence or certified copies of documentary evidence in support of each matter in the statement. A certified copy of documentary evidence means certified by a justice of the peace or a commissioner for declarations in writing to be a true copy of the documentary evidence.

If you require additional space to provide the required information, you can attach a legible written statement that includes the required information as part of the application.

Answer 'not applicable' if a question does not apply to your circumstances.

IMPORTANT NOTE: Your application must be supported by enough information to enable your application to be decided. If you do not provide enough supporting information your application may not be considered.

How will being deprived of your vehicle cause you or a member of your family severe physical hardship? (Include details of the reasons why you require this particular vehicle – the vehicle that has been impounded/immobilised – to avoid this hardship):*

Medical Details

If the severe physical hardship relates to attending a particular location for medical treatment or appointments, answer the statements below. Ensure you provide the required documentary evidence in support of each matter in the statement.

(Documentary evidence of the following is required to be attached as part of this application).

Name and particulars of the relevant medical practitioner, location and contact details:*

How often or how regularly must you make this journey?*

Vehicle travel time between your home and place of treatment?*

Details of public transport available between your home and place of treatment:*

If the severe physical hardship relates to your access to transport generally – provide vehicle travel time between your home and place of treatment?*

Alternate Transport available

If the severe physical hardship relates to your access to transport generally – provide the following information.

What alternative means of transport are available to you if this application is refused?*

What is the vehicle travel time between your home and locations you are required to attend (eg. schools, work, etc)?* Provide address of each of these locations?*

What are the public transport routes between these locations? (Eg. bus route numbers, railway line names etc):*

List any impediments that would limit your ability to use public transport provided in your area:*

Details of any other vehicles usually at your residence or elsewhere available for your use:*

Financial Details

If taxis or public transport are not an option for you due to your financial circumstances complete the following questions. Documentary evidence must be attached as part of your application to support the information you provide.

What is your average weekly income?*

Do any other persons contribute towards your household income?*

- Yes
 No

What is your combined weekly income?*

Do you pay mortgage/rent/accommodation payments?*

- Yes
- No

How much do you pay weekly?*

Do you have any other loan and/or credit card repayments?*

- Yes
- No

What are your combined weekly repayments?*

What is your total weekly amount of other household expenses (eg. food, utilities, vehicle or other family expenses)?*

Dependants

Do you have any dependants?*

- Yes
- No

Provide the particulars of all dependants include full name, age and their relationship to you:*

Do your dependants live with you?*

- Yes
- No
- Other living arrangements

Provide details of the living arrangements of your dependants eg. joint custody, guardianship etc:

Provide details of how this financial hardship may affect your dependants:*

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Offence occurred without owner's consent

Statements / Information required

You must supply sufficient detailed information in the statements below to explain who it is that the offence was committed without the owner's consent.

If you require additional space to provide the required information, you can attach a legible written statement that includes the required information as part of the application.

Answer 'not applicable' if a question does not apply to your circumstances.

IMPORTANT NOTE: Your application must be supported by enough information to enable your application to be decided. If you do not provide enough supporting information your application may not be considered.

Details in relation to driver at the time of the offence

State the driver's relationship to the owner of the vehicle:*

How frequently does this person drive the vehicle?*

Why was this person driving the vehicle at the time of the offence?*

Did you give consent to this driver to drive the vehicle at the time of the offence – including any conditions you may have placed on the use of the vehicle and/or the actions of the driver in taking the vehicle for their use:*

What knowledge did you have of the driver's driving ability and history?* (Include details of any licence suspensions, disqualifications or restrictions the driver was subject to, and any knowledge of the driver's traffic or driving history):*

Access to the vehicle

Did you provide the person driving the vehicle at the time of the offence access to the keys to the vehicle?*

- Yes
 No

What steps did you take to prevent or restrict the use of the vehicle by the person driving the vehicle at the time of the offence?*

Have you made a complaint to police that the vehicle has been used unlawfully by the person driving the vehicle at the time of the offence?*

- Yes
- No

Provide the police occurrence number?*

– *GO TO PAGE 12*

Circumstances giving rise to the offence have been rectified

Statements / Information required

You must supply sufficient detailed information in the statements below to explain how it is that the circumstances giving rise to the offence have been rectified. You are required to attach copies of relevant documents such as:

- photocopy of new drivers licence
- certificate of insurance
- a receipt issued by the Department of Transport and Main Roads for the payment of the vehicle registration fee for the vehicle that has been impounded/immobilised.

If you require additional space to provide the required information, you can attach a legible written statement that includes the required information as part of the application.

Answer 'not applicable' if a question does not apply to your circumstances.

IMPORTANT NOTE: Your application must be supported by enough information to enable your application to be decided. If you do not provide enough supporting information your application may not be considered.

Provide details of how and when the circumstances giving rise to the offence have been rectified (Documentary evidence must be attached to this application).

Nominate the type of offence:

- Registration and insurance related - an offence against the Road Use Management Act involving the use on a road of a vehicle that was not registered as required under that Act; or
- Drivers licence related - an offence against the Road Use Management Act s 78(1) .

The date any period of suspension or disqualification of the driver's licence ended OR details of how and when the driver subsequently obtained a valid drivers licence:*

The date and by whom the impounded/immobilised vehicle was registered subsequently?*

– GO TO PAGE 12

Grounds for impoundment or immobilisation unreasonable

Statements / Information required

You must supply a statement which provides all sufficient information to demonstrate that there were not reasonable grounds for police to impound or immobilise the vehicle. It is not enough to argue that the driver is not guilty of the relevant type 1 or type 2 vehicle related offence. Your application here must instead show that there was an absence of any reasonable grounds at the time of the offence for the police officer to impound or immobilise the vehicle.

You are required to provide relevant documents in support of your application. You should attach relevant photographs and/or supporting statements from witnesses or any other documentary evidence that may give strength to your claims.

If you require additional space to provide the required information, you can attach a legible written statement that includes the required information as part of the application.

Answer 'not applicable' if a question does not apply to your circumstances.

IMPORTANT NOTE: Your application must be supported by enough information to enable your application to be decided. If you do not provide enough supporting information your application may not be considered.

Provide details that demonstrate that the grounds for police to impound or immobilise the vehicle were unreasonable. (Documentary evidence must be attached to this application).

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PART 3 – Attachments

In making this application, and to assist police with their enquiries, please attach copies all documents required in accordance with the *Police Powers and Responsibilities Act 2000* and/or that support your application. Please retain any originals of your in case it is necessary for you to provide these documents again or you are required to provide the original document to a police officer for inspection.

IMPORTANT NOTE: If you fail to provide any required evidence, statutory declaration, or supporting documents your application may be incomplete, and accordingly may not be assessed.

List any attachments provided (including number of pages per document)

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PART 4 – Declaration

When you have completed all relevant parts of this document and provided all relevant information required to make an application for early release of the vehicle – complete the declaration below. If you require any legal advice please contact Legal Aid Queensland or a legal practitioner.

WARNING: A person who makes a false declaration may commit a criminal offence and render themselves liable to prosecution and punishment on conviction.

I declare that I am an owner or usual driver of the vehicle and have a legal right to take possession of the vehicle were it not for the impoundment or immobilisation of the vehicle:*

Yes

I have provided complete and correct information in this application correct to the best of my knowledge and belief?*

Yes

Any attachments to this application are accurate and correct to the best of my knowledge and belief?*

Yes

I understand that providing misleading information may result in a refusal to process my application:*

Yes

I declare that I have read, understood and provided all information required for this application and the information provided herein is true and correct to the best of my knowledge and belief:?*

Yes

Signature

Date

Full name

TO SUBMIT APPLICATION

Please ensure you have completed the relevant parts of this application and attached a copy of all required attachments and/or supporting documents as these are important in assisting police with their enquiries and in making a decision. If your application is complete, following submission it will be examined by a police officer who will when practicable make a decision within 5 business days to grant or refuse your application. You will receive advice of the decision to grant or refuse your application in writing to your nominated address.

IMPORANT NOTE: If your application is incomplete or does not provide any documents or evidence required in accordance with the *Police Powers and Responsibilities Act 2000* your application may not be considered.

INQUIRIES:	Policelink Ph: 131 444
Email application to (<i>preferred option</i>):	mviearlyrelease@police.qld.gov.au
Post application to: (<i>attaching all relevant required and/or supporting documents</i>)	Policelink Queensland Police Service GPO Box 1440 BRISBANE QLD 4001

Privacy Collection Statement

The Queensland Police Service is collecting your information for the purpose of processing your application for the release of an impounded or immobilised motor vehicle. The collection of this information is authorised by the *Police Powers and Responsibilities Act 2000*.

The information you provide will not be used or disclosed without your consent unless such use or disclosure is authorised or required by law, including the *Police Powers and Responsibilities Act 2000* (Qld) and the *Information Privacy Act 2009* (Qld).

You have a right to access personal information that the Queensland Police Service holds about you, subject to any exceptions in relevant legislation. If you wish to seek access to your personal information or inquire about the handling of your personal information, please contact the Queensland Police Service Right to Information and Privacy Unit by email at RTI@qps.qld.gov.au.