

FACT SHEET

POLICE OFFENCES AMENDMENT BILL 2025

The Police Offences Amendment Bill 2025 amends the *Police Offences Act 1935* to increase penalties for driving offences, makes it easier to confiscate or clamp vehicles used to commit driving offences, introduces a new offence of road rage, makes it easier for police to prosecute driving offences in addition to other amendments to make Tasmania's communities and roads safer.

New offence of road rage

- The Bill introduces a new 'road rage' offence to target aggressive or irrational driving behaviour on our roads.
- The term 'road rage' is recognised in other Australian jurisdictions and generally refers to driving behaviours characterised by verbal abuse, violent or abusive gestures, some form of altercation, property damage, a collision between vehicles or an assault.
- When investigating road rage type offences, Tasmania Police currently relies on other offences to deal with the incident, such as negligent driving, destroy/injure property or common assault. This new offence will provide specific legislative recognition of the serious impacts of road rage incidents to both the victim and public in general.
- The proposed new offence will be a prescribed offence under the Act, which will make any vehicle used in the road rage offence liable to clamping or confiscation.

Increased penalties

- The Bill proposes to increase penalties for motor vehicle stealing, driving and hooning offences, trespass with a firearm, property and assault offences. Certain offences have significant impact on victims and the public generally and penalties should be commensurate with this impact.
- Maximum penalties available during sentencing have been doubled or increased for the following offences, to meet community expectations of proportionate penalties, deter this offending and better align with other jurisdictions:
 - Failing to comply with a notice of demand, to provide details of the driver of a vehicle at the time of an offence (from 50 penalty units to 100 penalty units),
 - Unlawfully interfering with or removing of a clamped or confiscated vehicle (from 20 penalty units to 40 penalty units) and where a confiscated vehicle is removed from a holding yard (from 40 penalty units to 80 penalty units),.

- Motor vehicle stealing (from 50 penalty units to 100 penalty units), and
- Hooning offences such as excessive noise/speed, loss of traction or racing another vehicle (from 20 penalty units and 3 months imprisonment to 40 penalty units and 6 months imprisonment).
- The bill proposes that penalties are also increased for other offences, such as:
 - Trespassing whilst in the possession of a firearm (from 100 penalty units and 2 years imprisonment to 150 penalty units and 3 years imprisonment),
 - Property offences, such as destroying or injuring property (from 10 penalty units and 12 months imprisonment to 50 penalty units and 2 years imprisonment), and
 - Common assault (from 20 penalty units and 12 months imprisonment to 50 penalty units and 18 months imprisonment), and for an assault upon a pregnant woman (from 50 penalty units and 2 years imprisonment to 100 penalty units and 3 years imprisonment).

Clamping and confiscation

- The Bill proposes to make it easier for vehicles to be forfeited to the Crown by increasing vehicle clamping and confiscation periods and reducing the thresholds for the automatic forfeiture of vehicles once certain conditions are met.
- The amendments remove the need for a police officer to personally observe a prescribed (hooning) offence occurring before any action can be taken. Police will have an ability to form a reasonable belief as to the occurrence of an offence, based on other evidence such as dash-cam, CCTV or direct witness evidence. This approach better supports road safety campaigns which invite the public to report poor driver behaviour, hooning and road rage type incidents.
- Where a vehicle is clamped or confiscated for a prescribed (hooning) offence, negligent or dangerous driving or similar, clamping and confiscation periods will be increased. Currently, where a vehicle is clamped or confiscated for a third or subsequent offence, an application for forfeiture is required. The proposed amendments will provide for automatic forfeiture of a vehicle after a third (or subsequent) offence, subject to an application for return of the vehicle which may be considered by the Court. Similar amendments relate to vehicles used in evasion offences.
- The amendments reduce the time before a non-recovered vehicle can be disposed.

Other matters

- The inclusion of mobile phones as a computer, for computer related offences accommodates computer related and other fraud offences where a phone or internet enabled device is used.

- The Bill includes new evidentiary provisions in relation to property complaints and consorting offences.
- The Bill proposes additional averment provisions, which will reduce the need for a property owner to be called as a witness where their property has been injured or destroyed, or motor vehicle stolen. Currently, victims of crime, including agencies such as housing providers and businesses owners, are regularly called to give evidence in court proceedings, to confirm that they were the property or vehicle owner, and that the charged person did not have their permission to destroy, injure or steal that property.
- In relation to consorting of convicted offenders who have been given an official warning, in the absence of evidence to the contrary, an averment will apply to the official warning having been authorised, served and in force at the time of the alleged offence. This will, given the five-year life of an official warning, address the burden to the court where witnesses are not freely available to give evidence of those administrative matters.
- The Bill is to commence on Royal Assent.