

Second Reading Speech
Police Offences Amendment Bill 2025

Honourable Speaker

The Tasmanian Government is committed to making Tasmania's communities and roads safer through our 'Strong Plan to Crack Down on Crime', and we are committed to exploring any opportunities to support our police and the community in achieving this.

Honourable Speaker, the Government has received advice from the Department of Police, Fire and Emergency Management regarding amendments to the *Police Offences Act 1935* which in turn, approved the drafting of a hooning and other offences related Bill.

The **Police Offences Amendment Bill 2025** is a Bill designed to make Tasmanian communities and roads safer. This Bill has been the subject of extensive consultation with Government agencies and Non-Government Organisations, as well as the Tasmanian community and business groups, and it is with pleasure that I introduce this Bill.

Honourable Speaker, the Bill provides for the new offence of 'road rage', to address the rising incidence of aggressive and irrational driving behaviours, such as verbal abuse or gestures which lead to altercations, property damage, or vehicle collisions; all of which may result in serious injury.

I refer to one recent example where last October, a 43-year-old man was sentenced to 3 years imprisonment for a road rage offence the Tasmanian Court described as, "angry retribution for some perceived slight, and for the purposes of instilling fear". This incident, which terrorised a husband and wife, and their two children, was triggered by the victims allegedly having their high beam lights on as they passed the offender's vehicle. This incident has left the husband with back injuries and suffering PTSD, with his wife needing to take leave from work. The older of the two children, the five-year old boy, has also been dealing with health issues and is receiving counselling as a result.

In January this year, whilst reporting on a road rage offence between a pedestrian and a car, a Mercury newspaper reader poll revealed that 86% of the respondents indicated

that they had experienced road rage. When the Department of Police, Fire and Emergency Management first raised the road rage issue with the Government in 2024, examples included property damage, assault, and an assault with a weapon.

Our Government will not sit idle whilst this occurs Honourable Speaker. This specific type of offending must be deterred, and where it does occur, we need to send a strong message that this behaviour on Tasmanian roads will not be tolerated. Like those offences in other jurisdictions such as predatory driving in the Australian Capital Territory, menacing driving New South Wales and road rage offences in Western Australia, the new road rage offence will impose significant penalties for those who commit it.

The road rage offence will be made out where drivers use threatening, abusive, obscene or offensive language, or other gestures or behaviour that cause alarm, fear, distress or apprehension in another road user. This includes conduct that damages property or injures a person.

Research has shown (TasCOSS submission material) that aggression is a threat to road safety and increases the risk of a crash. Honourable Speaker, law enforcement can be viewed as a legitimate strategy for changing attitudes and for road rage offenders to be held to account for their behaviour. I note however, that this Bill does not interfere with the Court's discretion regarding sentencing options.

A person who is found to commit such an offence will be liable to arrest and on conviction, may, at the discretion of the Court, be fined or sentenced to a term of imprisonment. Offending vehicles will also be subject to clamping or confiscation.

Honourable Speaker, with regard to youths who may be detected committing a road rage offence, I pause to state that there are limitations on arrest powers under the provisions of the *Youth Justice Act 1997*. Further to that, this is **not** a prescribed offence under that Act which means that where appropriate, early intervention and diversion is an option. The Tasmanian Government fully supports a therapeutic approach as an investment in the safety and wellbeing of young persons. This approach is underpinned by the Youth

Justice Blueprint 2024-2034, and I fully support that, in conjunction with our responsibility towards public safety.

Honourable Speaker, currently in Tasmania when investigating road rage type offences, Tasmania Police look to rely on other offences to deal with these incidents, 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 generally and is an important step towards making the Tasmanian community and roads safer.

Acknowledging the dangers of road rage and discouraging it from occurring ought to be supported by other legislation, and this Bill also recognises those certain offences which have significant impact for safety on our roads, with penalties for those offences being commensurate with this danger they pose.

As such, the Bill increases penalties for motor vehicle stealing and hooning offences. Aside from the economic impact, or the potential for the loss of an innocent person's primary transport, the theft of a motor vehicle poses a great risk on our roads, particularly where the stolen vehicle is driven by an inexperienced or substance affected driver. In Tasmania, the penalty for motor vehicle stealing is currently a fine not exceeding 50 penalty units (\$10,100) and a term of imprisonment not exceeding three years. These penalties are insufficient and inconsistent with those in other jurisdictions, where the fine may be double that for Tasmania, with periods of imprisonment averaging ten years. The Bill proposes doubling the maximum fine for motor vehicle stealing to 100 penalty units (\$20,200).

Honourable Speaker, hooning vehicles such as those used to perform burnouts, create excessive noise or smoke, an execution of speed or acceleration, or a race against another vehicle on our streets pose an unacceptable risk to the public. This Bill doubles the penalties for these offences to a maximum of 40 penalty units (\$8,080) and/or imprisonment for up to 6 months.

Further to this, the Bill enhances the ability for police to investigate and deal with reports of hooning and other prescribed offences. Currently, for police to clamp or confiscate a

car used in hooning, dangerous or reckless driving, evade police and some disqualified driving offences, they must first observe or witness the offence rather than learning of it from another person, or inferring it from evidence, such as video footage. This current threshold does not support the use of evidence captured by electronic means from the public, other infrastructure or surveillance cameras. This, Honourable Speaker does not align with road safety campaigns whereby members of the public are requested to report poor driving behaviour, hooning and road rage related offences; nor with other legislation that requires police to form a reasonable belief.

The Bill will require a police officer to form a 'reasonable belief' that a person is or has committed a hooning or prescribed offence. This of course, in addition to any electronic evidence, will still require supporting evidentiary material such as statutory declarations and witness accounts for the laying of a charge. In addition, the validity of any clamping or confiscation will, as is the case now, be subject to court proceedings.

Where a vehicle is clamped or confiscated for a prescribed offence as mentioned, the seriousness of the offending warrants an increase in those periods of clamping and confiscation. For a first offence, the clamping or confiscation period will increase from 28 days to 3 months and, for a second offence, from 3 to 6 months.

Honourable Speaker, where a vehicle has been clamped or confiscated for a third or subsequent offence, upon conviction for that offence, the vehicle will be forfeited to the Crown, unless the offending driver, owner or registered operator apply to the Court for return of the vehicle. Currently, police are required to apply to the Court for a forfeiture order where there has been a third or subsequent offence conviction. This automatic forfeiture provision mirrors that of South Australia which, Honourable Speaker, demonstrates a strong commitment to reducing dangerous driving behaviours on roads.

Honourable Speaker, there are a number of miscellaneous amendments relating to traffic policing and clamped and confiscated vehicles. They include:

- Reducing the time period for disposal of a non-recovered clamped or confiscated vehicle from 9 to 6 months,

- Removing the requirement for an application to the court for forfeiture of a vehicle used in an evade police offence, and where the driver has not been identified, or an application for its return has been made,
- Doubling the penalties for interfering with confiscated vehicles being transported to a holding yard, or removing a vehicle from a holding yard, to a maximum of 40 penalty units (\$8,080) and 80 penalty units (\$16,160) respectively, and
- Doubling the penalty for a vehicle owner or operator who does not comply with a legal demand to identify the driver of a vehicle at the time an offence was committed, to a maximum of 100 penalty units (\$20,200).

Maximum penalties for these offences have been increased, to better align with other jurisdictions and to meet community expectations of proportionate penalties.

Honourable Speaker, in relation to community safety, the Bill makes a number of amendments to the Act, as well as including a number of penalties for offences against persons and property.

Passenger transport and ferry services will now be included in the definition of a public place. This amendment is essential in reducing confusion for police officers dealing with incidents, or offences on public transport services.

Penalties are also increased for trespass offences where the offender is in possession of a firearm. The fine is increased from 100 penalty units (\$20,200) to a maximum of 150 penalty units (\$30,300), with the maximum term of imprisonment increased from 2 to 3 years. This latter increase will ensure the offence remains a summary matter whilst closer aligning the gap between summary and indictable matters.

Penalties are also increased for property offences, such as destroying or injuring property. Tasmania currently has the lowest penalties across all Australian jurisdictions for these offences. The Bill increases the maximum penalty for property offences from 10 penalty units (\$2,020) and 12 months imprisonment to a maximum of 50 penalty units (\$10,100) and 2 years imprisonment. These changes reflect the increased financial hardship on victims of property damage where the Court deems appropriate and better aligns Tasmanian penalties with those in other Australian jurisdictions.

Honourable Speaker I turn to assault offences. In Tasmania, the maximum penalties for common assault are at the lower end of the scale when compared to interstate penalties. The increases to assault penalties reflects the seriousness of violent offences upon the community and more closely aligns the Tasmanian maximum penalties with those in other Australian jurisdictions.

The increase in penalties are as follows; for a common assault, from 20 penalty units (\$4,040) and 12 months imprisonment to 50 penalty units (\$10,100) and 18 months imprisonment, and where the assault is considered aggravated in nature, the penalty increases from 50 penalty units (\$10,100) and 2 years imprisonment to 100 penalty units (\$20,200) and 3 years imprisonment.

These increases will provide a broader range of discretion and afford the Court an opportunity to apply a penalty proportionate to the facts that are presented, and subsequently, to the seriousness of the offence and/or the offenders' personal circumstances. This Bill does not impede any sentencing options the court would have for therapeutic or other rehabilitative purposes.

Finally Honourable Speaker, I turn to matters relating to evidence. For offences relating to computers, mobile phones have been explicitly included in the definition of a computer. The inclusion of mobile phones as a computer will accommodate computer related and other fraud offences where a phone or similar internet enabled device is used.

The Bill also improves evidentiary provisions as they relate to property complaints and consorting offences. The amendments will create an averment negating the need for a property owner to be called as a witness where their property has been injured or destroyed, or motor vehicle stolen. Victims of crime, including agencies such as housing providers and businesses owners are regularly called to give evidence in court proceedings, to merely state 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. This new provision is contained within existing averments already in the Act, such as those which relate to age, liquor and licensed premises, where the charge is contested, and will not discharge the onus of the prosecution to the satisfaction of the Court.

In relation to consorting of convicted offenders who have been given an official warning, an averment will apply to the official warning having been authorised, served and in force

Draft: Please check Hansard for delivery

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. This amendment is similar to the evidential provisions for orders relating to family violence and underpins the prevention of convicted offenders establishing, maintaining and expanding criminal networks.

The Bill is to commence on Royal Assent.

I commend the Bill to the house.