

**SECOND READING SPEECH**  
***Police Miscellaneous Amendments Bill 2009***

**Jim Cox MP**

**MINISTER FOR POLICE AND EMERGENCY MANAGEMENT**

MR SPEAKER,

I move that the Bill now be read a second time.

Mr Speaker, this Bill contains a number of amendments to the *Police Offences Act 1935*, the *Police Powers (Vehicle Interception) Act 2000*, and the introduction of the *Police Offences Regulations 2009*.

Mr Speaker, registration details of vehicles are regularly reported to police as being involved or associated with the commission of offences or crimes. Police currently have no authority to demand driver or occupant details unless the vehicle was involved in the commission of a traffic offence. The Bill provides that if a crime or offence, under either State or Commonwealth legislation, is alleged to have been committed and a vehicle is suspected to have been used, a driver demand provision will allow police to pursue an offender by obtaining identity details from the owner or registered operator.

Mr Speaker, where an owner or registered operator receives a driver demand from a police officer, they are to provide any information relating to the identity of the driver or occupant. If this information is not available to the owner or registered operator, they are to take all reasonable steps to obtain that information, and the result of those steps taken must be provided to police, in the form of a statutory declaration.

This amendment also provides an offence for failing to comply with the requirements of a driver demand notice.

Mr Speaker, in recent years, the *Police Offences Act 1935* was amended to include provisions to enable the confiscation of vehicles from people who committed certain prescribed offences involving the use of motor vehicles. This Bill contains an amendment to allow for the confiscation of a vehicle that is involved in the commission of an offence of reckless or dangerous driving, for the new offence of 'Evading Police', and for any offence that is prescribed by Regulation.

The charges of Reckless and Dangerous Driving, contained in section 32 of the *Traffic Act 1925*, do not result in immediate licence disqualification or the issue of an infringement notice and are usually dealt with before a court some time after the actual event. In fact, the offending driver may well be charged with these offences and be back behind the steering wheel of the same vehicle within an hour.

Mr Speaker, this provision will now allow police to immediately confiscate the vehicle involved in the commission of an offence of reckless or dangerous driving. The Bill also provides for the confiscation of a vehicle involved in the new offence of Evading Police. The details of this offence will be detailed later.

Mr Speaker, this Bill also contains an amendment to enable the prescription by Regulation of offences for the confiscation of vehicles. Initially the offences to be prescribed in the regulations before you will include speeding, where the prescribed speed limit is exceeded by 45km/h or more, and also where a person is detected for their second or any subsequent offence of drive while disqualified.

The regulations to prescribe these offences have been tabled with the Bill to allow members to consider, debate and seek clarification at the same time the Bill is debated. This will allow all members to understand the strong and responsible stance being taken by this government.

Mr Speaker, the Bill also extends the time frame, from 10 – 14 days, in which police may confiscate a vehicle. This will ensure sufficient time for the processing and adjudication of images from a photographic detection device, in those cases where a vehicle is so detected for a speeding offence. To permit this to occur the *Police Offences (Confiscation of Vehicles) Regulations 2009* provide that “in the application of Division 2 of Part IVA of the Act to a speeding offence, a police officer may find a person committing such an offence “as a result of the examination of a photograph from a photographic detection device”. This provision was necessary, as police will be able to confiscate a vehicle for speeding during a speed check, but the present provision did not allow for confiscation if the vehicle was detected being driven at an excessive speed by a road safety camera.

Offences of this nature exhibit total disregard for the safety of all road users, and the immediate confiscation of an offender’s vehicle, or early confiscation in the case of speed camera offences, will reinforce the community’s total disapproval and abhorrence of such dangerous behaviour.

Mr Speaker, the amendments to section 37U and 37ZC are made to clarify that the confiscation of a vehicle for the first offence is for a period of 7 days.

The Bill also contains amendments that remove definitions from some sections and insert them in the Interpretation section of the Act. This drafting amendment is on the advice of Parliamentary Counsel and clarifies that a number of definitions apply to the whole Act.

Mr Speaker, in addition the Bill provides an offence for Evading Police. This provision will apply to situations where a driver becomes aware of a police presence and then takes action to avoid apprehension or interception by a police officer. An example of such an offence includes drivers who turn their vehicle around, or pull over and run from their vehicle, when they are

approaching a random breath test site, or drives in such a manner as to attempt to evade, elude and or prevent police from speaking to the driver or occupants. This type of driving behaviour again causes public alarm and places members of the public's safety at risk. As earlier stated, this will allow police to confiscate the vehicle that was involved in an offence of Evading Police. The penalty for this offence is a fine not exceeding 50 penalty units or imprisonment for a period not exceeding 12 months, or both. In addition to this penalty, the amendment also provides that, where a person is convicted of the offence of evading police, the court may disqualify the offender from driving for a period of up to 2 years. The Bill also provides an authority to arrest, without warrant, any person found offending for this offence.

Mr Speaker, many of the amending provisions in this Bill are amendments that the Tasmanian Community is anxious to see enacted or strengthened, especially where people continue to drive while disqualified and disregard with impunity the disqualification notice. To allow for the proper storage arrangements of these vehicles, these regulations will be gazetted when all logistical matters are finalised.

The amendments provide a clear and unencumbered message that alarming, irresponsible and unsafe behaviour on our roads is not acceptable and will not be tolerated by this Government. These provisions that I have outlined will be welcomed in total by the law abiding community of Tasmania and will, I am confident, further assist to make "Safe Communities".

I commend the Bill to the House.