Under the Tasmanian Government’s ‘2030 Strong Plan for Tasmania’s Future’, the Government has committed to making Tasmania’s communities and roads safer.

The approach includes delivering on its election commitments to crackdown on hooning and motor vehicle theft and introduce an offence for road rage. Proposed legislation is also aimed at improving court proceedings and police operations, and to deterring offending through increased penalties for common offences.

To achieve this, the Tasmanian Government is proposing amendments to the *Police Offences Act 1935*, and as such, are releasing the Police Offences Amendment Bill 2024 for consultation before being considered by Parliament later this year.

The proposed changes include:

* + extending the definition of a public place to include public and passenger transport services and vehicles,
  + introducing a new ‘road rage’ offence to target aggressive or irrational driving behaviour on our roads,
  + increasing penalties for motor vehicle stealing, hooning offences, trespass with a firearm, property and assault offences,
  + increasing penalties for carrying a dangerous article (such as a knife), and reducing thresholds for police to search a person if they have a reasonable suspicion a person may be in possession of a dangerous article,
  + making it easier for vehicles to be forfeited to the Crown by increasing vehicle clamping/confiscation periods, and reducing the thresholds for automatic forfeiture of vehicles,
  + improving evidentiary provisions to make it easier for police to prosecute hooning through footage supplied by the public,
  + the inclusion of mobile phones in the definition of a computer, for computer related offences, and
  + improving evidentiary provisions as they relate to property complaints and consorting offences.

Feedback on the Bill is invited from all members of the community. Consultation commences 20 September 2024 and closes 27 October 2024 (five weeks). Information on consultation and a copy of the Bill is available at <https://www.police.tas.gov.au/consultation-on-the-police-offences-amendment-bill-2024/>

Proposed amendments include:

1. Definition of a public place

Inclusion of a vehicle being used in the operation of a passenger transport service (such as a bus), within the definition of a public place.

Broadening the definition to include public transport will remove unnecessary confusion as to a police officers’ ability to interdict with or remove persons committing offences whilst on or in public transport. This amendment will ensure public confidence and maintained and enhanced on public transport.

1. Introducing a new ‘road rage’ offence to target aggressive or irrational driving behaviour on our roads

In line with the Tasmanian Government’s commitment to community and road safety, the new road rage offence will target the use of a vehicle, or a driving related act which is likely to cause alarm, distress, apprehension or fear in another person. Damage to property, injury or a risk of danger to a person and a collision with another vehicle, will all be elements of the offence.

Penalties for a road rage offence include a fine not exceeding 50 penalty units, or imprisonment for a period not exceeding 6 months, and the vehicle used may be subject to clamping and/or confiscation.

Where a police officer has reasonable grounds for believing a person has committed a road rage offence, there will be a power for arrest without a warrant, as currently exists for other offences.

1. Increased penalties for various offences
   * Trespass whilst in possession of a firearm, from twice the penalty for a trespass offence to three times the penalty. That being:
     + for a dwelling house - from a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 2 years to a fine not exceeding 150 penalty units and imprisonment for a period not exceeding 3 years, or both, and
     + for any other land, building, structure, premises, aircraft, vehicle or vessel - from a fine not exceeding 25 penalty units and imprisonment for a period not exceeding 6 months to a fine not exceeding 75 penalty units and imprisonment for a period not exceeding 18 months.
   * Dangerous articles - from a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 3 years, or both.

In addition to increased penalties for this offence, lowering the threshold for police officers to interdict for this offence, from a reasonable belief to a reasonable suspicion, would provide police a power to search on less than a reasonable belief, but on that is more than a possibility. This amendment would aid in addressing the rising incidence of ‘knife crime’ and other weapon related offending.

* + Common assault, specifically:
    - for a common assault - from a fine not exceeding 20 penalty units and imprisonment for a period not exceeding 12 months to a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 18 months,
    - for an assault in circumstances of aggravation (being upon a victim who is pregnant), from a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 3 years,
    - for an assault which the court considers of an aggravated nature - from a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 3 years, and
    - for assault with indecent intent - from a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 3 years.
  + Destroy or injure property or kill, maim or wound an animal (being property of another person) - from a fine not exceeding 10 penalty units and imprisonment for a period not exceeding 12 months to a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years.
  + Motor vehicle stealing and procure the hire/use of a motor vehicle by means of fraud/misrepresentation - from a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 3 years to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding 3 years.
  + Fail to comply with a notice of demand (identifying driver of a vehicle at the time of an offence) from a fine not exceeding 50 penalty units to 100 penalty units.
  + Hooning type offences; which include excessive noise, speed, acceleration, loss of traction and race against another vehicle - from a fine not exceeding 20 penalty units and imprisonment for a period not exceeding 3 months to a fine not exceeding 40 penalty units and imprisonment for a period not exceeding 6 months, or both. Disqualification period for these offences will increase from 2 years to 4 years.

The penalty for holding, competing in or taking part in a motor-vehicle race without a permit, or outside permit conditions will be increased from a fine not exceeding 5 penalty units for a fine not exceeding 10 penalty units.

1. Amending provisions where vehicles may be forfeited to the Crown, increasing vehicle clamping/confiscation periods and penalties, and reducing the thresholds for automatic forfeiture of vehicles

Amending the requirement ‘finds a person offending’ to ‘having reasonable grounds for believing’ a person is committing, or has committed a prescribed offence, for the clamping or confiscation of a vehicle. This will allow police to proceed for prescribed offences where CCTV, phone or dashcam footage etc shows the offending.

Clamping and confiscation periods (and forfeiture) for prescribed offences are increased as follows:

* For a first offence (not being trespass, dispersal of persons, causing death by dangerous driving, dangerous driving causing grievous bodily harm, dangerous driving or evading police) – from a period of 28 days to 3 months.
* For a second offence (not being trespass, dispersal of persons, causing death by dangerous driving, dangerous driving causing grievous bodily harm, dangerous driving or evading police) – from a period of 3 months to 6 months.
* For a third offence (not being trespass, dispersal of persons, causing death by dangerous driving, dangerous driving causing grievous bodily harm, dangerous driving or evading police) – from resolution of all existing charges and on an application for forfeiture to the court to the resolution of all existing charges.

Forfeiture of the vehicle to the Crown for a third or subsequent prescribed offence will be automatic, and take effect within 14 days of conviction, unless an application otherwise is lodged and heard by the court.

Where the court is satisfied upon an application for return of the vehicle to the owner/operator, the imposition of a monetary penalty not exceeding 100 penalty units remains.

* For an evade police offence – from forfeiture on application to the court, with 9 months having elapsed to an automatic forfeiture order, with 6 months having elapsed (and no application by the owner/operator for return).
* The period for sale or disposal of a vehicle where a period of confiscation has ended and the vehicle is not recovered, has been reduced from 2 months to one month.
* Increasing the penalty for interfering with or taking a confiscated vehicle from a fine not exceeding 20 penalty units to a fine not exceeding 40 penalty units. Where a vehicle is unlawfully removed from a holding yard, a fine not exceeding 40 penalty units to a fine not exceeding 80 penalty units.

1. Including phone as a computer

For the purposes of offences relating to computers, a mobile telephone will be included within the definition of a computer.

1. Improving evidentiary provisions as they relate to property complaints and consorting offences

* Consorting of convicted offenders – in proceedings for this offence, an allegation in the complaint that an official warning was authorised and served on the offender is, in the absence of evidence to the contrary, evidence of such fact.
* Offences relating to property – in proceedings for the offence of destroy or injure property, kill, maim or wound an animal (being property of another person) or remove, displace etc boundary marks, beacons, sign posts etc, evidence in a complaint that a specified person was the owner of the property, and did not give consent to the destruction or injury (or otherwise), is evidence of such matter.
* In proceedings for motor vehicle stealing, an allegation in a complaint that a specified person was the owner or person lawfully in charge of a motor vehicle and did not consent to the driving or use of the motor vehicle, in the absence of evidence to the contrary, is evidence of such matters.