

23 November 2022



## AUSTRALIAN FEDERAL POLICE ASSOCIATION MEDIA RELEASE

### NEW VEHICULAR TRESPASS LEGISLATION LET DOWN BY SOFT PENALTIES

The Australian Federal Police Association (AFPA) broadly supports the *Crimes Legislation Amendment Bill 2022* tabled by ACT Attorney-General Shane Rattenbury yesterday in the ACT Legislative Assembly.

AFPA President Alex Caruana said the bill is good, with practical amendments, but soft penalties diluted its effect in relation to the newly created offence of unauthorised entry of a motor vehicle.

"The new offence of unauthorised entry of a motor vehicle created by the Attorney-General closed a legal loophole. We thank him for doing that and progressing the legislation quite quickly.

"Of concern to the Association and our members is the penalty for the offence. We do understand that the penalty may be reviewed in due course; however, as it stands now, ten penalty units are inadequate and fails to create a deterrent to stop people from entering cars unauthorised.

"We know people don't just break into or steal a single car. Primarily, they are recidivist offenders, and forensic evidence is usually critical in identifying these people and linking them to other crimes. So it is not unheard of for police to run a fingerprint through their database and locate multiple matches for different crimes.

Another concern for the AFPA is that the current penalty would hamper the judiciary during the sentencing of recidivist offenders.

Mr Caruana said this penalty relegated the serious offence of "unauthorised entry into a motor vehicle" to punishment by a relatively minor court-imposed infringement notice, and didn't grant the judiciary stronger potential penalties for recidivist offenders.

"A person could have their fingerprints located in 50 stolen motor vehicles, and all a magistrate can do is impose a fine upon a court determination or plea of guilt. That doesn't seem right, and I'm not sure it meets community expectations." Mr Caruana said.

In reviewing the *Crimes Legislation Amendment Bill 2022*, the AFPA also strongly supports the newly created provisions regarding the public display of Nazi symbols.

Mr Caruana said the new offence covering hate symbols aligns the ACT with Victoria, with New South Wales looking at similar laws.

"It's good legislation. However, we'd like to see the Attorney-General expand the legislation to include ACT Government officials in the scope of people able to enact and enforce this legislation — especially if they are investigating compliance within their sector.

"Government officials such as public health officers can shut down a business, roadworthy inspectors can defect a car and parking inspectors can issue parking fines. If a store or business is displaying Nazi symbols, then I can't see why compliance can't be enforced and if needed, brought before a court by an ACT Government official," Mr Caruana said.

**For comments:**

**AFPA Media and Government Relations Manager Troy Roberts - (02) 6285 1677 – [troy.roberts@afpa.org.au](mailto:troy.roberts@afpa.org.au)**