

# Government Response to the Victorian Parliament's Inquiry into Motor Vehicle Theft: Final Report

## 1. Introduction

The Government welcomes the Final Report of the Parliamentary Drugs and Crime Prevention Committee ("PDCPC") pursuant to its Inquiry into motor vehicle theft.

The Inquiry was referred to the PDCPC by the Legislative Council on 2 November 2001. No discussion paper was produced prior to the publication of the final report, which was tabled in Parliament on 10 October 2002.

The Report made 20 specific recommendations regarding motor vehicle theft. The Government's response to the PDCPC's recommendations are dealt with in the following sections:

- Section 3: General issues are discussed in relation to recommendations which the Government supports in principle.
- Section 4: Further details are provided in relation to the recommendations which require further consideration.

## 2. Context of motor vehicle theft in Victoria

Prior to a discussion of the Government's response to the PDCPC's report, it would be prudent to provide context for the support or otherwise of the recommendations. The Victorian Government has undertaken a number of initiatives, both operational and policy-driven, which have resulted in a substantial decline in motor vehicle theft over the last 18 months.

### 2.1 Motor vehicle theft statistics

Reducing motor vehicle crime is a high priority for the Victorian Government.

The latest available crime statistics (Year-To-Date figures for the period 1/7/02 to 24/3/03) show a **27.2% reduction** in motor vehicle theft compared to the same period one year ago.

### 2.2 Government initiatives to reduce motor vehicle theft

The key Victorian Government comprehensive initiatives which have contributed to this decrease include:

- Operation Vehicle Watch. Operation Vehicle Watch is a force-wide operation involving all aspects of policing, including the establishment of an Organised Motor Vehicle Theft Squad (OMVTS), a Steering Committee and partnerships with industry groups, government agencies and the community. The OMVTS involves a squad of 15 detectives from the force's crime division, which is complemented by Theft of Motor Car Action Teams (TOMCAT) in the Victoria's five police regions.
- The Written-Off Vehicle Register. VicRoads has implemented a register - operational from 1 May 2002 - which requires owners to record their cars as either "statutory write-offs" (i.e. cannot be repaired, e.g. burnt out or submerged) or "repairable but uneconomically viable write-offs". This precludes the "re-birthing" of cars using the

vehicle identification numbers of wrecked vehicles, which are then sold to unsuspecting consumers.

- The Victorian Motor Vehicle Crime Reduction Council. The Council, which is managed by Crime Prevention Victoria and includes representation from Victoria Police, VicRoads, the RACV, the Victoria Automobile Chamber of Commerce and Neighbourhood Watch, is developing a State-wide strategic approach to reducing motor vehicle crime. The Council is an example of the Government's multi-agency approach which emphasises cooperation and partnership between the private, public and community sectors.

The Government has also implemented more targeted strategies to reduce specific issues related to motor vehicle theft (e.g. offenders), which are canvassed later in this response.

### 3. Recommendations that are supported in principle

Many of the Report's recommendations are supported by the Government in principle.

#### 3.1 *Industry-related recommendations*

The PDCPC recommends that motor vehicle manufacturers be required to fit self-voiding compliance labels to motor vehicles in place of the currently used aluminium compliance plates (Recommendation 1).

The Government supports this recommendation in principle, as it would ensure that the vehicle identification number (the primary identifier of the vehicle) will be affixed to a label that cannot be removed without being noticeably damaged to counter "re-birthing" practices. Major manufacturers have also agreed in principle to this proposal and are already permitted to develop self-voiding compliance labels to vehicles in place of aluminium compliance plates.

However, the responsibility to implement this recommendation rests with the Australian Transport Council and the Federal Department of Transport and Regional Services. In addition, the proposal can only be made compulsory via an Australian Design Rule under the Commonwealth *Vehicle Standards Act*. The National Motor Vehicle Theft Reduction Council (NMVTRC) has worked cooperatively with the Federal Chamber of Automotive Industries to reach agreement for the voluntary application of a label that meets an agreed performance specification. The NMVTRC expects labels to be progressively introduced from mid-2003, which should make a compulsory requirement redundant.

Government response: The Government supports this recommendation in principle, as it would ensure that the vehicle identification number (the primary identifier of the vehicle) will be affixed to a label that cannot be removed without being noticeably damaged to counter "re-birthing" practices.

The PDCPC recommends that the auto parts industry establish a voluntary code of practice that institutes verification checks of auto parts and establishes and maintains appropriate audit trails (Recommendation 3).

The Government supports this recommendation in principle. The NMVTRC has:

- completed a feasibility study for a voluntary industry code at the national level which has gained broad approval from related industry sectors; and
- recently commenced phase two of this project, which involves developing the detail of the code of practice.

However, it should be noted that implementation of the code will involve complex arrangements across the re-cycling, motor repair and insurance industries and could not be expected until 2004 at the earliest.

Government response: The Government notes that the NMVTRC has commenced Phase 2 of this project and the Government supports the development of the code in principle.

### 3.2 *Recommendation for the National Motor Vehicle Theft Reduction Council*

The PDCPC recommends that the NMVTRC have its tenure extended for a further three years to allow adequate time for its strategic plan to be fully implemented (Recommendation 4).

The Government supports this recommendation, and at the time of writing, had advised the Chairman and Executive Director of the NMVTRC that it would continue to fund the Council for a further three years. The Minister for Police and Emergency Services will provide formal support for this recommendation at the next Australia and New Zealand Crime Prevention Ministerial Forum.

Government response: The Victorian Government has approved the extension of the NMVTRC for a further three years.

### 3.3 *Legislative proposals*

The Committee recommends that the magistracy and judiciary take into account those community concerns when deciding on penalties for motor vehicle theft offences. The Committee further recommends that the Report be brought to the attention of the Judicial College for consideration (Recommendation 7).

The Government supports the notion that the magistracy and judiciary take into account community concerns when deciding penalties for motor vehicle theft offences. The Government has sent a copy of the report to the Chief Executive Officer of the Judicial College for consideration by the College.

It should be noted, however, that each case of motor vehicle theft must be considered on its merits, and the magistracy and judiciary are required to exercise their discretion based on the evidence presented.

Government response: The Government supports the notion that the magistracy and judiciary take into account community concerns when deciding penalties for motor vehicle theft offences, subject to judicial discretion.

### 3.4 Recommendation with regard to VicRoads

The Committee recommends that VicRoads be encouraged to give urgent priority to its proposed review into registration procedures (Recommendation 13).

The Inquiry was conducted just prior to the introduction of the Written-off Vehicles Register in Victoria. VicRoads has now completed the review and introduced new registration procedures.

From 1 May 2002, insurers, self-insurers and others are required to report written-off vehicles to VicRoads. There are two types of written-off vehicles:

- (i) repairable (a vehicle deemed to be worth more than its market value prior to the damage that caused it to be written-off); and
- (ii) statutory write-offs (the vehicle is so severely damaged that it can only be used for parts and can never be re-registered).

A repairable write-off now undergoes a stringent vehicle identity inspection (VIV) process. A Certificate of Roadworthiness is also required before it is re-registered. This procedure ensures that the vehicle being registered is not a "re-birthed" stolen vehicle.

Details of all written-off vehicles are recorded on a national Written-off Vehicles Register removing the avenue for thieves to exploit procedural differences between State and Territory registration authorities. Registration authorities and prospective purchasers are better able to trace the history of the identity used to "re-birth" stolen vehicles.

All jurisdictions, with the exception of Western Australia and South Australia have implemented consistent written-off vehicle registers that meet national best practice. South Australia is yet to adopt some elements of the national agreed best practice principles such as a statutory ban on the registration of the most severely damaged vehicles, although it has a written-off vehicle register in place. It is expected that both these jurisdictions will implement compliant registers in early 2003.

In addition, the Victorian Motor Vehicle Crime Reduction Council, as part of its development of a State-wide strategy on motor vehicle theft, will further examine the process of vehicle registration in order to identify any further action necessary to reduce fraudulent registration of vehicles.

Government response: The review has been completed and new registration procedures have been introduced.

The Committee also recommends that the NMVTRC undertake its national review of all state inspection regimes as soon as possible (Recommendation 13).

The NMVTRC has commenced negotiation with the Austroads (the national association of road authorities) on the terms of reference for the NMVTRC sponsored review of State and Territory vehicle inspection outcomes. The aim of the review is to confirm the level of compliance with agreed inspection protocols and the consistency of outcomes nationally. It is expected the national review will commence mid-2003 and will include VicRoads' inspection arrangements.

Government response: The Government supports the recommendation that the NMVTRC undertake its national review of all state inspection regimes as soon as possible.

### 3.5 Recommendations relating to local communities

The Committee recommends that Crime Prevention Victoria co-ordinate programs aimed at increasing public awareness of motor vehicle security. This should be recognised as a core component of motor vehicle theft prevention strategies (Recommendation 14).

The Government supports this recommendation in principle. Crime Prevention Victoria, an agency of the Department of Justice, is responsible for the co-ordination of the three-year whole-of-government crime and violence prevention strategy, *Safer Streets and Homes*. One of the three key components of the strategy is Improving Safety in Streets and Neighbourhoods, which includes the development of safer design guidelines and training, the graffiti reduction strategy, safety audits, burglary reduction and motor vehicle theft reduction.

As part of *Safer Streets and Homes*, Crime Prevention Victoria is responsible for managing the Victorian Motor Vehicle Crime Reduction Council. The Council, which includes representation from Victoria Police, VicRoads, the RACV, the Victoria Automobile Chamber of Commerce and Neighbourhood Watch, is currently developing a State-wide strategy for reducing motor vehicle crime.

Through the Victorian Motor Vehicle Crime Reduction Council, Crime Prevention Victoria will continue to work closely with Victoria Police (which co-chairs the Council), and other key stakeholders to increase public awareness of motor vehicle security. The Council is currently in the process of developing strategies to:

- address motor vehicle fraud and theft from motor vehicles;
- investigate the issue of compulsory immobilisation; and
- communicate key motor vehicle theft reduction strategies to the community, particularly groups at high risk of motor vehicle theft (e.g. owners of older model cars).

Government response: The Victorian Government supports the recommendation that Crime Prevention Victoria co-ordinate programs aimed at increasing public awareness of motor vehicle security, particularly through the Victorian Motor Vehicle Crime Reduction Council.

### 3.6 Recommendations relating to car parks

The Committee recommends that car park operators use the 'Safer City Car Parks Accreditation Scheme' as a guide for improving car park security (Recommendation 15).

The Government supports this recommendation in principle. The Scheme, which was a joint initiative of Victoria Police and the City of Melbourne, provides assessment safety criteria for car parks, including security, signage, pedestrian movement and consideration of people with disabilities.

Government response: The Victorian Government supports use the 'Safer City Car Parks Accreditation Scheme' as a guide for improving car park security.

### 3.7 Recommendation relating to insurance practices

The Committee recommends that the insurance industry and Victoria Police enhance their working relationship to better counter fraudulent claims of motor vehicle theft. The Committee recommends that the insurance industry provide detailed information to Victoria Police concerning the withdrawal and/or denial of motor vehicle theft claims on the basis of fraud (Recommendation 18).

The Government supports this recommendation in principle. An on-line system which will enable insurance companies to access police reports is to be introduced in the second half of 2003.

In addition, the Motor Vehicle Fraud Sub-committee of the Victorian Motor Vehicle Crime Reduction Council has recommended the development of:

- a training package for police officers to assist them in investigating motor vehicle fraud; and
- the holding of a motor vehicle fraud forum, including insurers, Victoria Police, the National Motor Vehicle Theft Reduction Council and the Victorian Motor Vehicle Crime Reduction Council.

Government response: The Victorian Government supports the recommendation that the insurance industry and Victoria Police further develop their working relationship and exchange of information to better counter fraudulent claims of motor vehicle theft.

### 3.8 Recommendations relating to data collection

The Committee recommends that Victoria Police collect and maintain information about the condition in which a stolen motor vehicle is recovered (Recommendation 19).

Victoria Police undertake to collect and maintain information about the condition in which a stolen motor vehicle is recovered.

Government response: The Victorian Government supports the recommendation that Victoria Police collect and maintain information about the condition in which a stolen motor vehicle is recovered.

The Committee recommends that the Coroner develop a system of data collection that allows for the identification of deaths that involve stolen motor vehicles (Recommendation 20).

The Government supports this recommendation. 'Form 83' (for Victoria) is the standard initial report which police officers are required to complete in the case of any death referred to the Coroner (this occurs within a few hours of the incident). The information extracted from the form is entered into the National Coroners Information System database and the data can then be analysed according to specific fields (e.g. age of deceased, gender, cause of death, etc.).

Recently, the Monash University National Centre for Coronial Information developed a standard initial police form for investigation of death across Australia, in liaison with Police Commissioners, Coroners and public health and safety agencies. This new form (called 'Form 83' in Victoria, is extended to nine pages, including optional sections) is currently being piloted in Frankston and Bendigo prior to release (with some other limited piloting) nationally.

The new pilot form does not contain a field specifying death involving a stolen vehicle, however, the Victorian State Coroner has advised that it is a very opportune time to include such a field in the new type of 'Form 83' (although, for the wider national system, this proposal may require national discussions with Coroners and police agencies, which may result in limited cost implications). Victoria Police advise that Victoria could undertake this initiative, provided the police are involved in the relevant discussions.

The importance of undertaking a national approach to this type of data collection enables early tracing, early comparisons and early identification of trends. This could assist in identifying potential countermeasures on a local, State by State or national basis.

Government response: The Coroner has developed a system of data collection that allows for the identification of deaths that involve stolen motor vehicles.



#### 4. Recommendations where further consideration is required

##### 4.1 *Industry-related provisions*

The PDCPC recommends that new Australian design rule be developed requiring motor vehicle manufacturers to label all new vehicles with an approved microdot system of component labelling (Recommendation 2).

While the Government supports the intent of this recommendation, as it would deter thieves from stealing cars for their parts and/or shells, key organisations, such as the NMVTRC and VicRoads, have advised that this technology has not been sufficiently evaluated to fulfil the fundamental requirements of the cost/benefit component of the mandatory regulatory impact statement stipulated for this type of regulation. In addition, issues of cost and production line compatibility are yet to be resolved, thereby precluding its implementation of the proposed process in the foreseeable future. Further investigation and evaluation of this technology is required before the Government can support this initiative.

Government response: Further consideration of this issue will occur once the technology has been sufficiently evaluated.

##### 4.2 *Changes to the Law*

The PDCPC recommends that the Government remedy the defects and deficiencies in the law pertaining to motor vehicle theft and ancillary matters (Recommendation 5). In particular, the Committee recommends that the new laws encompass and make provision for specific offence types (Recommendation 6).

The nature and extent of motor vehicle theft has altered significantly since the legislature first enacted laws to address motor vehicle theft. However, it is important to ensure that legislation is not enacted which duplicates the effect of current legislation. The maximum penalty for theft is currently 10 years' imprisonment and handling stolen goods 15 years' imprisonment. It is unlikely that a court would impose a penalty greater than 15 years' imprisonment, even for professional motor vehicle theft. As such, the benefit of creating provisions to deal with different 'types' of motor vehicle theft and imposing more punitive penalties for offences such as professional motor vehicle theft is questionable. In addition, the NMVTRC has indicated that the inability of prosecuting counsel to prove the culpability of professional car thieves often lies not with the inadequacy of current legislation, but the deficiency of manufacturers to identify their cars properly, which affects the ability of police to collect sufficient physical evidence to ensure a successful prosecution.

A review of the legislation pertaining to motor vehicle theft may be appropriate to reflect changes in the nature of motor vehicle theft and in particular professional motor vehicle theft activity. The Government agrees that a review should be considered.

Government response: Further consideration of this issue will occur to determine whether current legislative provisions are sufficient to address adequately the offences relating to vehicle theft.



### 4.3 Recommendations relating to police powers

The Committee recommends that Victoria Police be given further powers to enable it to more effectively investigate and prosecute motor vehicle theft, including:

- the conferral of powers on the officers of the Victorian Organised Motor Vehicle Theft Squad to enter and inspect premises and properties (including but not restricted to car yards and auction houses, panel shops and other workshops) (Recommendation 8);
- the conferral of powers on Victoria Police officers to stop, intercept and inspect motor vehicles on places additional to highways and for reasons other than or in addition to roadworthiness checks (Recommendation 9); and
- the Finding of Fact proposal (Recommendation 10).

The Government is committed to ensuring that police have adequate and appropriate powers to investigate and prosecute motor vehicle theft.

Recommendation 8 proposes the expansion, in certain circumstances, of police powers of entry and inspection without a warrant. General principles pertaining to police search powers are as follows:

- Police may enter and search premises (i.e. private places) *without warrant* for the purpose of arresting a person they believe on reasonable grounds to have committed an indictable offence (*Crimes Act* section 459A).
- In public places, police are empowered to search people, animals and vehicles *without warrant*, where they reasonably suspect or believe the presence of a drug of dependence or a prohibited or controlled weapon - see section 82 of the *Drugs, Poisons and Controlled Substances Act* and section 10 of the *Control of Weapons Act*.
- For the purposes of obtaining evidence relating to the investigation of an indictable offence, police may only enter and search premises under the authority of a search warrant pursuant to section 465 of the *Crimes Act*.

The search warrant process constitutes a fundamental procedural safeguard protecting the privacy and liberty of citizens from the inappropriate application of police powers. It ensures that the grounds upon which a police member bases his or her beliefs regarding the suspected commission of an indictable offence are tested by a magistrate prior to being acted upon. As such, the requirement to obtain a search warrant will be displaced only in exceptional circumstances. It is unclear in the present case whether the seriousness of motor vehicle theft justifies the removal of such a fundamental safeguard.

Furthermore, Recommendation 8 currently exhibits an internal inconsistency. In 8a), the PDCPC recommends that "Officers of the Victorian Organised Motor Vehicle Theft Squad be given powers to enter and inspect premises [i.e. without a warrant] and properties (including but not restricted to car yards and auction houses...)". Recommendation 8c), however, stipulates that "paragraph a appl(ies) only to premises licensed under motor traders legislation or other accredited retail premises and/or premises in the business of, or associated with, the motor vehicle sales, repair, alteration or associated industries and businesses."

In light of these circumstances, Recommendation 8 requires further consideration. Of particular importance is the need to determine whether the requirements identified in the

Committee's report are addressed by current laws. Recommendation 9 relating to police powers to intercept and search vehicles will be included in this analysis.

Consideration of the issue relating to police powers will take into account civil liberty implications.

**Government response:** As the Government is committed to ensuring that police have adequate and appropriate powers to investigate and prosecute motor vehicle theft, the issue of expanded police powers will be further considered to determine whether the requirements identified in the Committee's report are sufficiently addressed by current laws.

The Committee recommends that the Finding of Fact proposal be implemented (Recommendation 10).

The Findings of Fact proposal seeks to reduce the time that stolen vehicles are held by police and to return stolen vehicles to their rightful owners as quickly as possible. It is proposed that in cases where stolen vehicle charges are before the court and the vehicle in question is being held by the police, a system should be introduced whereby an agreed number of identification points on a motor vehicle specified in legislation should form the basis of its identification. If the police can meet each of the established points of identification, the police could apply to the court to issue a "Finding of Fact" that - on the balance of probabilities - the vehicle can be identified as a particular vehicle or a vehicle made up from a number of vehicles. This Finding of Fact could then be served on the defendant, who may elect to accept or contest the finding. If the defendant contests the finding of fact, then the police would retain custody of the vehicle.

While the Findings of Fact proposal seeks to ensure that victims of motor vehicle theft are reunited with their stolen vehicles in the shortest possible time, it is unlikely that the defendant will accept the Finding of Fact if he has not already confessed to the offences, for fear that the acceptance will be used to bolster the case for the prosecution. Thus, the number of cases where a Finding of Fact is issued may be limited. This recommendation therefore requires further consideration.

**Government response:** Further consideration of the Finding of Fact process is required.

The Committee recommends that Victoria Police continue to fund the Victorian Organised Motor Vehicle Theft Squad at levels sufficient to comprehensively investigate, process and prosecute motor vehicle theft and associated crimes. In addition, funding must be allocated for providing adequate forensic inspection services of suspected stolen motor vehicles and collating and maintaining appropriate data collection bases and registers. (Recommendation 11).

The Victorian Government is committed to supporting Victoria Police in its significant efforts - and success - in reducing motor vehicle theft. As previously discussed, Victoria Police has established Operation Vehicle Watch, a component of which was the establishment of an Organised Motor Vehicle Theft Squad.

While the Government supports the recommendation that adequate funding be apportioned to the investigation, processing and prosecution of motor vehicle theft and associated crimes, allocation of resources within Victoria Police is substantially an operational issue and is therefore more properly the responsibility of Victoria Police executive management.

Government response: The Victorian Government is committed to supporting Victoria Police continuing to fund the Victorian Organised Motor Vehicle Theft Squad.

#### 4.4 Recommendations relating to immobilisers

The PDCPC recommends that a compulsory immobiliser system be established in Victoria, where proof of an installed immobiliser would be required as part of the transfer of registration. In addition, the PDCPC recommends that consideration be given to the provision of a subsidy (Recommendation 12).

It should be noted that older makes of car are disproportionately the target of motor vehicle theft. Vehicles manufactured in the 1980s or earlier account for 85% of total motor vehicle thefts in Australia. This phenomenon is largely due to the fact that:

- approximately 75% of all motor vehicle theft is opportunistic; and
- newer model vehicles are increasingly fitted with sophisticated security devices precluding opportunistic theft.

According to the NMVTRC, one in four cars stolen in Australia were taken in Victoria, despite the State's 28 per cent decline in car theft over the past year.

Western Australia introduced the nation's only mandatory immobilisation scheme in 1999, two years after a voluntary immobiliser scheme was introduced. Under Western Australian regulations, an approved engine immobiliser must be installed in a motor vehicle at the time of application for registration or upon transfer of registration. Phase 1 of the evaluation of the scheme has been completed by an independent evaluator. The evaluation found that:

- in order to achieve cost savings, the critical mass of vehicles which need to have immobilisers fitted is 70% of the jurisdiction's fleet;
- between 1998 and 2001, motor vehicle theft in Western Australia fell by 28.1%, with a decrease recorded in each year – by contrast, motor vehicle theft reports increased in Victoria by approximately 34.6% over the same period; and
- the immobiliser scheme was believed to have delivered annual savings of \$13 million and a cost-benefit ratio of 1:3.

The evaluation report extrapolated the cost-benefits of the Western Australian compulsory immobilisation scheme to all States and Territories, and concluded that the larger States, such as Victoria, would benefit from a compulsory immobilisation scheme, but that the smaller States and Territories do not have the critical mass of cars to make the scheme beneficial (for example, the Northern Territory experiences only 900 car thefts a year).

The issue of a rebate is a complex one. Consumer groups argue that older cars, which are most likely to require immobilisers, are predominantly owned by people who can least afford to spend money on the installation of an immobiliser and thus, a rebate be provided to socio-

economically disadvantaged groups. The NMVTRC has argued against the necessity of a rebate on the basis that:

- the price of an immobiliser reduces automatically with the introduction of a compulsory scheme to \$100-\$120 due to competitive pressures, and the need to fit immobilisers to 70% of the fleet to achieve a critical mass of installations (in 2001, 31% of the Victorian fleet already had immobilisers installed);
- the administration of a rebate would be prohibitively expensive; and
- 74% of people who responded to a Nexus survey with a pre-tax income of \$20,000 to \$40,000 believed that "\$140 is a fair price to have an immobiliser professionally fitted".

Other issues to be considered include the need to ensure that there are a sufficient number of qualified auto-electricians trained to fit immobilisers, should the scheme be introduced in Victoria.

The Government is currently undertaking a comprehensive analysis of the issue of compulsory immobilisers in Victoria to determine the feasibility of implementing such a scheme.

**Government response: The Victorian Government is currently undertaking a feasibility analysis of a compulsory immobilisation scheme in Victoria.**

#### **4.5 Juvenile diversion program recommendation**

The Committee recommends that a secure source of funding be established for juvenile diversionary programs that accord with the NMVTRC's best practice model and that this funding be on a triennial basis (Recommendation 16).

The Government is fully supportive of the NMVTRC's best practice model for juvenile justice programs, which appear to have been effective. Handbrake Turn, which is cited in the PDCPC's report as a best practice juvenile diversion model, has received funding from Crime Prevention Victoria.

It is important to note, however, that while the cited programs provide relatively holistic support, there are a range of program models which have proven to be effective in reducing youth anti-social behaviour and offending more generally, and which are not necessarily specific to 'offence type' (eg motor vehicle theft). Such programs aim to:

- reduce the range of risk factors affecting young people which have been demonstrated to increase the likelihood of youth offending; and
- bolster the protective factors which ward against this outcome.

These programs focus on a range of forums including the individual, the family, the school or educational environment and the community. The narrow focus on programs which specifically relate to 'offence type' may result in undue restrictions being placed on possible interventions to reduce youth offending. For example, low educational achievement, chronic non attendance, under age and early school leaving, suspension and expulsion are key risk factors for youth disconnection and the development of problems in later life. Tackling these risk factors associated with the educational experience and enhancing protective factors have

been identified under the Government's crime and violence prevention strategy, *Safer Streets and Homes*, as key to reducing negative life outcomes such as offending.

The \$1 million 'Reconnecting Young People to Supportive Learning Environments' program under *Safer Streets and Homes* aims to:

- maintain within the mainstream school environment, young people at risk of disengagement;
- provide alternative learning programs to re-engage persistent non-attendees; and
- identify educational or vocational pathways for long term non-attendees.

The program, which involves partnership pilot initiatives between the Departments of Education and Training and Human Services and the Community Correctional Service, includes:

- Truancy Reduction Pilot Program (3 sites);
- Early School Leaving Pilot Program (3 sites); and
- Vocational Training Pilot Program (2 sites).

The Government will continue to develop and implement diversionary programs for at-risk youth which will seek to reconnect young people to society, families and an educational/vocational network. Successful diversion of at-risk young people will inevitably lead to a reduction in opportunistic motor vehicle theft, as well as leading to more positive outcomes for the young people targeted by the programs.

**Government response:** The Victorian Government strongly supports juvenile diversionary programs and has funded a \$1 million program as the latest in a comprehensive strategy to reconnecting at risk and offending young people to supportive learning environments.

#### 4.6 Recommendation relating to insurance practices

The Committee recommends that insurance agencies establish protocols to confirm the bona fides of all motor vehicles that they undertake to insure. This would ensure that the vehicle exists and that an accurate evaluation of the vehicles agreed value is obtained (Recommendation 17).

**Government response:** This recommendation has merit and the Victorian Government will examine this issue with the assistance of the NMVTRC, given its national context.

# **Recommendations of the Parliamentary Drugs and Crime Prevention Committee's Inquiry into Motor Vehicle Theft**

## **I. Recommendations for industry**

1. The Committee recommends that motor vehicle manufacturers be required to fit self-voiding compliance labels to motor vehicles in place of the currently used aluminium compliance plates.
2. The Committee recommends that a new Australian design rule be developed requiring motor vehicle manufacturers to label all new vehicles with an approved microdot system of component labelling.
3. The Committee recommends that the Auto Parts industry establishes a voluntary Code of Practice that institutes verification checks of auto parts and establishes and maintains appropriate audit trails.

## **II. Recommendation for the National Motor Vehicle Theft Reduction Council**

4. The Committee recommends that the National Motor Vehicle Theft Reduction Council (NMVTRC) have its tenure extended for a further three years to allow adequate time for its strategic plan to be fully implemented.

## **III. Recommendations with regard to the law**

5. The Committee recommends that the government engage appropriate legal officers and/or parliamentary counsel to draft new laws that will remedy the defects and deficiencies in the law pertaining to motor vehicle theft and ancillary matters.
6. In particular, the Committee recommends that the new laws encompass and make provision for the following offence types or scenarios:
  - (a) An aggravated form of motor vehicle theft with violence;
  - (b) An offence covering motor vehicle theft for the purposes of alteration, tampering and/or resale of the stolen vehicle;
  - (c) A substantive offence that covers the actual alteration, tampering, refitting and/or resale of the stolen vehicle;
  - (d) A substantive offence that targets the planning, coordination, financing and 'masterminding' of the motor vehicle theft, rebirthing and resale industry.
7. Various sectors, in their evidence to the Committee, have argued that the judiciary and magistracy do not view motor vehicle theft with the same seriousness as that felt by the community. This concern stems from the multi-faceted consequences of motor vehicle theft noted throughout the Report. The Committee therefore recommends that the magistracy and judiciary take into account those community concerns when deciding on penalties for motor vehicle theft offences. The Committee further recommends that the Report be brought to the attention of the Judicial College for consideration.

## **IV. Recommendations with regard to police and police investigation**

8. The Committee recommends that Victoria Police be given further powers to enable it to more effectively investigate and prosecute motor vehicle theft. In particular:
  - (a) Officers of the Victorian Organised Motor Vehicle Theft Squad be given powers to enter and inspect premises, and properties (including but not restricted to car yards and auction houses, panel shops and other workshops). Such powers of inspection and entry should be restricted to circumstances where the officer(s) reasonably believes that the site, premise or property is involved in motor vehicle theft, rebirthing, illegal resale or associated offences;
  - (b) In cases where such officers have a reasonable belief that a vehicle is a stolen vehicle or have a reasonable belief that a site, premise or property is involved in motor vehicle theft,



rebirthing, illegal resale or associated offences, they be given the power to inspect both the motor vehicle(s) in question and any records associated with the vehicle or the business conducted on the premise or site;

- (c) The provisions in paragraphs a and b apply only to premises licensed under motor traders legislation or other accredited retail premises and/or premises in the business of, or associated with, the motor vehicle sales, repair, alteration or associated industries and businesses; and
  - (d) In the case of private, residential or non-commercial premises, it is recommended that police would still need a duly authorised warrant to enter such premises. Such a warrant would be issued only in circumstances where a police officer can demonstrate a reasonable belief and sufficient evidence to the satisfaction of the court that such a private or non-commercial site, premise or property is involved in motor vehicle theft, rebirthing, illegal resale or associated offences. Such a warrant should authorise the officer(s) to perform the duties specified under both paragraphs a and b where relevant.
9. The Committee recommends that officers of Victoria Police be given extended powers to stop, intercept and inspect motor vehicles on places additional to highways and for reasons other than or in addition to roadworthiness checks. Such inspections should be limited to circumstances where they have a reasonable belief that the vehicle(s) in question may be a stolen motor vehicle or in some way involved in motor vehicle theft or an associated offence.
10. The Committee recommends that the Finding of Fact proposal, as outlined in Chapter 12 of this Report, be implemented.
11. The Committee notes the re-establishment of the Victoria Police Organised Motor Vehicle Theft Squad and recommends that Victoria Police continue to fund the Squad at levels sufficient to comprehensively investigate, process and prosecute motor vehicle theft and associated crimes. In addition, funding must be allocated for providing adequate forensic inspection services of suspected stolen motor vehicles and collating and maintaining appropriate data collection bases and registers. There is clearly a need for an increase in the number of forensic inspection personnel in order to reduce the backlog in impounded motor vehicles stored for forensic purposes.

#### **V. Recommendations with regard to immobilisers**

12. The Committee recommends that a compulsory immobiliser system be established in Victoria. The Committee further recommends that:
- (a) The proof of an installed immobiliser be presented to VicRoads as a compulsory requirement of registration transfer;
  - (b) The Government should give consideration to providing a subsidy to facilitate the implementation of this scheme. The subsidy should be extended to encourage the early and voluntary installation of immobilisers; and
  - (c) A review of this program be conducted by 2007 to ensure expected projections have been achieved.

#### **VI. Recommendation with regard to VicRoads**

13. The Committee recommends that VicRoads be encouraged to give urgent priority to its proposed review into registration procedures. Furthermore, the Committee recommends that the NMVTRC undertake its national review of all state inspection regimes as soon as possible.

#### **VII. Recommendation with regard to local communities**

14. The Committee recommends that Crime Prevention Victoria coordinate programs aimed at increasing public awareness of motor vehicle security. This should be recognised as a core component of motor vehicle theft prevention strategies.

#### **VIII. Recommendation with regard to car parks**

15. The Committee recommends that car park operators use the 'Safer City Car Parks Accreditation Scheme' as a guide for improving car park security.

## **IX. Recommendation with regard to juvenile diversion programs**

16. The Committee recommends that a secure source of funding be established for juvenile diversionary programs that accord with the NMVTRC's best practice model and that this funding be on a triennial basis.

## **X. Recommendations with regard to insurance practices**

17. The Committee recommends that insurance agencies establish protocols to confirm the bona fides of all motor vehicles that they undertake to insure. This would ensure that the vehicle exists and that an accurate evaluation of the vehicles agreed value is obtained.
18. The Committee recommends that the insurance industry and Victoria Police enhance their working relationship to better counter fraudulent claims of motor vehicle theft. The Committee recommends that the insurance industry provide detailed information to Victoria Police concerning the withdrawal and/or denial of motor vehicle theft claims on the basis of fraud.

## **XI. Recommendations with regard to data collection**

19. The Committee recommends that Victoria Police collect and maintains information about the condition in which a stolen motor vehicle is recovered.
20. The Committee recommends that the Coroner develop a system of data collection that allows for the identification of deaths that involve stolen motor vehicles.