

**Question on Notice  
No. 341  
Asked on 2 May 2013**

DR DOUGLAS asked the Minister for Police and Community Safety (MR DEMPSEY)—

**QUESTION:**

With reference to the increasing number of fuel thefts from Gold Coast service stations—

Will the Minister consider the introduction of issuing on the spot fines by police to those who drive off without paying for fuel?

**ANSWER:**

Issuing an on the spot fine to an offender who has driven off without paying for fuel is not usually possible, as the offender has already left the scene.

The offence for driving off without paying for fuel is ‘Unauthorised dealing with shop goods’ under the *Regulatory Offences Act 1985* or ‘Stealing’ under the *Criminal Code 1899*. The charge preferred depends on circumstances surrounding the theft; however, neither are ‘ticketable’ offences.

Options currently available to police to commence proceedings against an offender in these circumstances include: issuing a notice to appear; issuing a complaint and summons; or arrest. Further options exist when dealing with juveniles under the *Juvenile Justice Act 1992*.

The existing options provide mechanisms for offenders to be brought before the courts where a Magistrate has the scope to apply a penalty and order that restitution be paid. The penalty infringement notice regime (currently used for traffic and public order offences) does not allow for restitution to be ordered.

The *Regulatory Offences Act* and the *Criminal Code* are administered by my colleague, the Honourable Jarrod Bleijie, Attorney-General and Minister for Justice. As such, any decision to introduce a ticketing option for proceeding against offenders for ‘petrol drive off’ offences rests with the Attorney-General.