



# *Introductory Guide* to Hoon Laws



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## > Hoon Laws

*In recent years*, police across Australia have been given increased powers with respect to the investigation of those driving offences which are colloquially known as hooning. Hooning is anti-social and dangerous driving behaviour, ranging from doing burnouts and doughnuts to more serious offences such as evading police by speeding in excess of 45 kilometres per hour above the speed limit. In order to eliminate hoon behaviour quickly and improve safety to other road users, all States and Territories have amended traffic legislation to include offences related to hoon behaviour and to allow for the impounding or confiscation of vehicles which are suspected to be involved in the commission of a hooning offence. The periods of impoundment, and the penalties for the offences, differ from State to State and depending on whether the offender has been previously convicted of a hooning offence.

## > Types of hooning offences

In most States and Territories, speeding in excess of 45 kilometres per hour above the speed limit will count as “reckless driving” and will result in immediate impounding of a vehicle. Reckless driving, menacing driving, careless driving and dangerous driving are all variations of driving offences which show complete disregard for other road users, putting their safety at risk. It is also an offence in all States and Territories to drive in a reckless manner in order to evade a police pursuit.

Participating in, organising, or observing speed trials or drag races without a permit is also an offence across the States. Drivers are therefore not the only people who can be charged with this offence; people who tag along for fun and to watch may also be charged with a hooning offence.

Driving in a manner which deliberately causes a vehicle to lose traction, or causes smoke when the tyres come into contact with the surface, is also an offence. This is commonly known as doing doughnuts or doing burnouts.





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## Impounding

Impounding is when a vehicle is seized and taken to a particular impounding location for storage, often with clamps on the wheels and an immobilising device. For many hoon offences, vehicles may be clamped and/or impounded immediately. The period of impoundment varies from State to State, but is most frequently around 28 days.

If a vehicle has been stolen, is involved in a hooning offence and is then impounded, the registered owner of the vehicle may apply to have the vehicle released from impoundment.



## Forfeiture

Where an offender repeatedly flouts anti-hoon laws and is found guilty of a hooning offence on two or more occasions, the offender may face having the vehicle permanently confiscated. This is known in some States as confiscation, and others as forfeiture. This means the vehicle becomes the property of the State and can be sold.

Usually if a vehicle has been forfeited the driver will also face permanent disqualification from driving, and significant fines and/or a period of imprisonment.



## Other penalties

Aside from the possibility of a vehicle being temporarily impounded, drivers who commit hooning offences will face a mandatory period of suspension or disqualification from driving, as well as financial penalties and/or jail. The length of suspension from driving increases depending on whether the offender has been found guilty of previous offences.

For example, in Western Australia, a hooning driver faces six months' suspension for a first offence, twelve months for a second offence, and life disqualification for a third. In South Australia, however, a first offence will result in up to six months' disqualification from driving, and a second or subsequent offence two years' disqualification.

Fines are expressed in "penalty units", which vary from State to State and in many States will also increase on a yearly basis.



## Related offences

A person must not tamper with an impounded vehicle. This includes attempting to remove the vehicle from any impounding yard, or attempting to sell the vehicle or transfer ownership of the vehicle whilst it is impounded.

These actions constitute offences for which significant penalties may result. In the Northern Territory, for example, interfering with an impounded vehicle may result in a fine of \$29,800.00 and a maximum jail sentence of up to 12 months.

**If you have been involved in, charged with, or witness to, a hooning offence and you wish to seek the advice of a lawyer as to what to do, call one of our specialist Traffic Lawyers on [1300 636 846](tel:1300636846)**



## Remember, you are NOT alone !

Where you go from here depends on your own situation. Everyone has their own individual priorities and demands on their life that they need to deal with.

This information guide points you in the right direction as to what options might be available to get the outcome that you need; options that many of our clients are not aware of before talking to us.

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7am to Midnight and speak direct with a Traffic Lawyer to get your anti-hoon law questions answered. You can also request a callback at [gotocourt.com.au/traffic-law](http://gotocourt.com.au/traffic-law)

When you call the hotline you will speak directly with a lawyer. Your conversation will be treated with the strictest of confidentiality and sensitivity. At the end of the call you will have some clarity on the steps you need to take next and how you can have the best chance at an outcome that will ensure you will attend Court armed with knowledge and support.

Scan this QR code to find more details about Traffic Law:

