

## Stealing

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into an office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Stealing is taking something away that isn't yours with the intention of keeping it.

### What is shoplifting?

Shoplifting is a form of stealing. Generally, it is someone going into a shop and taking things without permission. Shoplifting can be done in a number of ways. Sometimes, people take an item without paying for it at all, without paying the correct price for the item, or by paying for only some of the items that they have taken.

### Do I have to leave the shop with the item to be guilty?

You don't have to leave the shop with the item for you to be guilty of stealing. It is enough that you were clearly planning on taking it but were caught before you were able to. It is not a defence to say you decided not to because you were caught.

### What is motor-vehicle stealing?

If you take or use a car without the consent of the owner, you are committing the offence of motor vehicle stealing. It doesn't matter that you were only intending to drive it around for a while and then return it.

### Does it matter that I am not driving the car?

You will still be guilty of motor-vehicle stealing even if you are only a passenger, if you are aware that the car is stolen. This is because you are using the car by being driven around in it. If a friend offers to pick you up in a car that is stolen, you should not accept as you may be found guilty of stealing the car.

### Is it still stealing if I find something and don't return it?

Yes. If you find something and you believe you would be able to return it to its owner and you don't, you will be guilty of stealing.

It is important that if you find something, you try to return it to the person who owns it or take it to the police station.

### How can I avoid getting in trouble if I find something?

If you find something like money or other goods, you need to take them to a police station or else you will be guilty of an offence.

### If I take something to the police station, will they keep it?

You can ask police to return the item to you if it is not claimed. If it doesn't have personal information on or in it, for example a phone or a wallet, and it isn't something illegal, it can become your property if it isn't claimed within three months.

## What is burglary?

Burglary is when you go into someone else's building or vehicle intending to commit a crime inside. This can be as simple as opening someone's car door and taking the small change from inside the car.

Burglary can also cover breaking into a building to do graffiti or break windows.

It is important that you don't go inside other people's properties and, if you do, that you don't damage that property.

**This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.**