

# OVERDUE RENTAL / CAR SHARING MOTOR VEHICLE REPORTING PACK GUIDE

**EXPLANATORY NOTE**

Without other evidence of criminal intent, the continued possession of, or failure to return a vehicle at the expiry of the contracted rental period **does not in itself** make the breach of contract ‘unlawful’ and subject of the criminal law of this State.

In order to substantiate an offence, it is necessary to prove that the attendant circumstances are such that the taking and/or continued use of the vehicle facilitates or amounts to a criminal offence.

Such circumstances may include;

1. Where the hirer engages in any unlawful act (e.g. Use of false identification, stolen credit cards, threats, acts of violence/intimidation) to induce an ‘Owner’ to enter into a rental / car sharing agreement or give them possession of a vehicle.

2. The continued possession and use of the vehicle when following the expiry of the rental agreement, the ‘Owner’ can demonstrate having personally communicated with the hirer and rescinding the approval for the continued use of the vehicle, and further, that the hirer clearly and un-equivocally indicates their intention not to comply with the request to return it.

3. The vehicle is or has been used by the hirer or any other person to commit other offences.

4. The vehicle has been sold to, or otherwise given to a third party not included in the rental agreement.

5. The registration plates have been removed from the rental vehicle.

6. The registration plates of the rental vehicle have been used on another vehicle.

7. The vehicle has been stripped of parts, modified, has been, or is in the process of being taken out of the State.

8. Other tangible evidence exists to indicate an intent by the hirer or any other person to permanently deprive the owner of the vehicle (more than mere conjecture).

**DEFINITIONS**

**‘Car Sharing’** - a business model that facilitates the rental of vehicles for short periods of time (often by the hour) and utilises a technology platform to connect private owners with hirers.

**‘Car Rental Agreement’ (CRA)** – the traditional written contract of rental, between a ‘Car Rental Company’ and a renter / hirer for the temporary possession of a vehicle specifying the term and conditions of the use of the vehicle and liabilities of both parties.

**‘Car Sharing Agreement’ (CSA)–** an agreement / contract between the owner and renter / hirer to rent a vehicle for a specified period of time. Generally conducted on line and facilitated by a third party ‘Car Sharing Operator’.

**‘Car Rental Operator’** – a traditional car rental company established and operating for the specific purpose of renting motor vehicles owned or leased by that entity. It excludes companies described as ‘Car Sharing Operators’.

**‘Car Sharing Operator’** – the company / entity operating the technological platform used to facilitate the CSA between the vehicle ’owner’ and renter / hirer. Examples of companies operating in Australia include Car Next Door, Drive My Car, GoGet, GreenShare Car, Flexicar, and Popcar. These operators do not have ownership of, or shares in the vehicles.

**‘Overdue Vehicle’** – term to describe any vehicle rented by means of a ‘CRA’ or ‘CSA’ that is not returned to a specified place, and at the specified time in contravention of the agreement for the rental of that vehicle and no contact with the owner has been made.

**‘The Owner’** – the legal entity, be it an individual or company in whose name the motor vehicle is registered and can claim the right to legal ownership. **‘Hirer / Renter’**  - a person who enters a written agreement / contract with either a CRO or CSO for the temporary use of a motor vehicle and who is liable for any breaches of that agreement / contract.

**THE REPORTING PROCESS**

**Car Rental Operators**

The following steps detail the process by which a ‘Car Rental Operator’ may report an ‘Overdue Vehicle’ to the WA Police;

* Report the incident to the Western Australia Police Force on telephone 131 444.
* Provide a 24 hour contact phone number and be in a position to recover the vehicle at short notice if located by Police.
* If requested by the call taker, complete an ‘Overdue Rental / Car Sharing Vehicle Reporting Pack’ for submission to the local police station within 24 hours of the contact.

If completion of an ‘Overdue Rental / Car Sharing Reporting Pack’ is advised:

1. The ‘Car Rental Operator’ is to provide to Western Australia Police Force a copy of ‘CRA’, drivers licence and all other supporting documents.
2. The employee who completed the ‘CRA’ is to complete **Form 1 – Witness Particulars (Car Rental Operator)** and a statement. The statement is to be signed by this employee.

Any employee who has had further contact with the hirer (including any attempt to recover motor vehicle) to also complete the **Form 1 – Witness Particulars (Car Rental Operator**) and a witness statement. The statement is to be signed.

1. If available, download any Closed Circuit Television (CCTV) footage related to the incident onto a portable device, such as a USB Drive, CD or DVD. The footage will be used as evidence. The employee who downloaded the CCTV footage to complete **Form 3 - Witness Particulars (CCTV Footage)** and a statement. The statement is to be signed by this employee.
2. Other witnesses with relevant evidence of the matter to complete **Form 3 - Other Significant Witness Particulars** and a statement. The statement is to be signed by the witness.
3. Use the Overdue Rental / Car Sharing Motor Vehicle Reporting Pack Checklist to ensure all required documents are completed and signed.
4. Deliver completed Overdue Rental / car Sharing Motor Vehicle Reporting Pack to the local police station.
5. Police will review the submitted **‘**Overdue Rental / Car Sharing Motor Vehicle Reporting Pack’. If an Incident Report is generated, police will provide a report number.
6. In all instances, it is imperative that the ‘Car Rental Operator’ advise the Western Australia Police Force on telephone 131 444, when the overdue rental motor vehicle has been returned as this will enable the vehicle alert to be cancelled.

**Car Share Operators**

A report of ‘Overdue Vehicle’ **WILL** **NOT** be taken from a ‘Car Share Operator unless the operator is the legal and registered owner of the vehicle.

‘Car Share Operators’ are advised to have the legal owner of the motor vehicle report the matter and further, to assist that owner by providing them with any information necessary to complete the ‘Overdue Rental /Car Sharing Motor Vehicle Pack’.

If the ‘Car Share Operator’ is the lawful registered owner, the process applicable to ‘Car Rental Operators’ shall be applied with the requirement to attend a police station with a reporting pack.

**Owners of vehicles rented by means of ‘Care Sharing Operators’**

The following steps detail the process by which an owner utilising the services of a ‘Car Sharing Operator’ may report an ‘Overdue Vehicle’ to WA Police;

* Report the incident to the Western Australia Police Force on telephone 131 444.
* Provide a 24 hour contact phone number and be in a position to recover the vehicle at short notice if located by Police.
	+ - If requested by the call taker, complete an Overdue Rental / Car Sharing Vehicle Reporting Pack for submission to the local police station within 24 hours of the contact.

If completion of an ‘Overdue Rental / Car Sharing Reporting Pack’ is advised:

1. The owner is to provide to Western Australia Police Force a copy of the CSA, drivers licence and all other supporting documents.

2. The person who approved the CSA is to complete **Form 1A – Witness Particulars (Car Sharing Incident)** and complete and sign a statement.

3. Any person who has had further contact with the hirer (including any attempt to recover motor vehicle) to complete **Form 3 – Other Significant Witness** and complete and sign a statement.

3. If available, download any Closed Circuit Television (CCTV) footage related to the incident onto a portable device, such as a USB Drive, CD or DVD. The footage will be used as evidence. The person who downloaded the CCTV footage to complete **Form 2 - Witness Particulars (CCTV footage)** and complete and sign a statement.

4. Use the ‘Overdue Rental Motor Vehicle Reporting Pack Checklist’ to ensure all required documents are completed and signed.

5. Deliver completed Overdue Rental / Car Sharing Motor Vehicle Reporting Pack to the local police station.

6. Police will review the submitted pack and if an Incident Report is generated, police will provide a report number.

7. In all instances, it is imperative that the owner advise the Western Australia Police Force on telephone 131 444, when the overdue rental motor vehicle has been returned as this will enable the vehicle alert to be cancelled.



# OVERDUE RENTAL / CAR SHARING MOTOR VEHICLE REPORTING PACK CHECKLIST

Please have all necessary documents (as detailed below) ready for submission when reporting this matter to a police station.

Note: Incomplete reporting packs may cause delays in the matter being investigated.

1. **Copy of CRA or CSA, hirer’s drivers licence and supporting documents**
2. **Form 1 – Witness Particulars (Car Rental Operator)**

To be completed by employee who completed the CRA with hirer and any other employee who had any further contact with hirer to recover vehicle.

**2.1 Witness Statement signed and dated.**

1. **Form 1A – Witness Particulars (Car Sharing Owner)**

To be completed by the legal registered owner of the vehicle who entered into the CSA.

**3.1 Witness Statement signed and dated (sample attached).**

1. **Form 2 - Other Significant Witness Particulars**

To be completed by any other persons who can provide relevant evidence, including any person who may have authorised a CSA on behalf of the owner.

**4.1 Witness Statement signed and dated (sample attached).**

1. **Form 3 - Other Significant Witness Particulars**

To be completed by a person who downloaded CCTV footage onto the portable device.

**5.1** **Witness Statement signed and dated (sample attached).**

**5.2 CCTV footage**

To be downloaded onto a portable device e.g. USB/CD/DVD.

 **Western Australia Police Force**  **FORM 1**

## WITNESS PARTICULARS – CAR RENTAL OPERATOR

**To be completed by the employee who witnessed the completion of rental contract or any employee who had any further contact with the hirer.**

 **Witness’s Full Name:**



### UNAVAILABLE DATES

**Please list any dates in the next 12 months the witness is unavailable to attend Court should they be required.**



Witness Full Name

STATES

1. I am the employee of (name of Car Rental Operator (CRO)) located at (address of business).
2. I am employed as a (title within the CRO).
3. At about (time) on (day) the (date), I spoke to a (male/female) who requested a rental car for a period of (number of days) commencing on (date).

SAMPLE

1. The (male/female) provided photographic identification in the form of his driver’s licence. (Please describe the person as best you can.)
2. **EXHIBIT** I now produce a photocopy of this licence.
3. I looked at the photograph on the licence and I recognised it as the person who I was speaking with.
4. (Name of hirer) provided a contact phone number of (insert number).
5. I printed a rental agreement and read through the conditions with (insert name).
6. One of the conditions was that the vehicle was required to be returned by (time, day and date).
7. I handed the rental agreement to (insert name) who signed it.

Statement of (full name of witness) continued

1. **EXHIBIT** I now produce a copy of this agreement.
2. I advised (insert name) the vehicle he was hiring was a (colour, vehicle type, reg no).
3. On (day / date), the vehicle (registration number) had not been returned.
4. I called (insert name) on the contact number that he provided.

SAMPLE

1. A person identifying himself as (insert name) answered and advised that he was in Queensland and that he was not returning to Perth and would be keeping the vehicle. (Insert relevant information)
2. I advised this person he no longer had consent to use the vehicle
3. (Insert name) hung up on me. I tried calling him again but the phone was disconnected
4. I then contacted the (Police / the owner).

Statement of (full name of witness) continued

1. This statement is true to the best of my knowledge and belief. I have made this statement knowing that, if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything that I know to be false or that I do not believe is true.

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SAMPLE

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time\_\_\_\_\_\_\_

 **Western Australia Police Force**  **FORM 1A**

**WITNESS PARTICULARS (CAR SHARING OWNER)**

**To be completed by the owner of a vehicle subject of a car sharing contract**

 **Witness’s Full Name:**



**UNAVAILABLE DATES**

**Please list any dates in the next 12 months the witness is unavailable to attend Court should they be required.**



Witness Full Name

STATES

1. I am (age) years of age and I reside in (suburb, however if the address is an element of the offence record the full address).
2. I am employed as a (occupation).
3. I am the registered owner of (make, model, colour, body shape and registration number of vehicle).

SAMPLE

1. The vehicle is registered in the name of (only include this paragraph when the vehicle is registered in a different name or other entity i.e. company).
2. The vehicle is (fully owned/leased/financed. If leased or financed, which company).
3. The vehicle is valued at (value).
4. There (are/are not any) outstanding hire purchase fees for the vehicle (if so please describe amount of money owed to finance company).
5. I am a member of a Car Sharing Operator/s (CSO) (nominate which CSO or, if several, nominate all).
6. I receive notifications from the CSO of potential hirers via (nominate whether via App, text or other method).

Statement of (full name of witness) continued

1. On (date) at (time) I received a notification from (nominate where/who from).
2. The hire concerned a (state duration of hire i.e. 5 hours, one day, etc.) hire to commence at (time) (day) (date).
3. The vehicle was to be collected from (state location) and returned at (time) (day)(date).
4. The return location was to be (state location).

SAMPLE

1. The CSO I hire through, provides (nominate which – face to face key handover, electronic key, geo-fencing or other method) as their means of allowing the hirer to access the car.
2. **EXHIBIT** This is a copy of the Car Share Agreement (CSA) relating to the hire of the vehicle subject of this complaint. (Attach copy of CSA to package).
3. (Did you personally meet with the hirer to hand over the keys? If so, describe
* the hirer,
* location of the meeting,
* any conversation with the hirer,
* any other relevant observations/points

 concerning the meeting).

Statement of (full name of witness) continued

1. The vehicle (is/is not) fitted with a GPS tracking device.
2. Within the CSA (I/the CSO) bear the monetary cost of any late return penalties.
3. Also, within the CSA (I/the CSO) is responsible for the following:
* Insurance of the vehicle whilst under hire, and

SAMPLE

* Additional fees incurred by the hirer such as toll fees or fines.
1. In the case of a vehicle being returned after the contracted due time, the hirer is expected to (describe the agreement in relation to a late return whereby the hirer cannot return the vehicle at the appointed time/place due to unforeseen circumstances).
2. The method of return of the vehicle is normally (please explain what the expectation was on this occasion i.e. hirer delivers keys, alerts CSO/owner that vehicle has been returned or other arrangements).
3. The vehicle was not returned at the agreed time and location.
4. I have (had/not had) any further contact with the hirer (if so, describe the circumstances and conversation).

Statement of (full name of witness) continued

1. I did not give or imply my permission for the hirer to use the vehicle outside the written terms and conditions of the agreement.
2. No one had my permission to use the vehicle to commit unlawful acts.
3. As of (date), the vehicle has not been returned and the hirer has not contacted me or the CSO to arrange a late return.

SAMPLE

1. I am now reporting the matter to the police.
2. This statement is true to the best of my knowledge and belief. I have made this statement knowing that, if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything that I know to be false or that I do not believe is true.

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time\_\_\_\_\_\_\_

**Western Australia Police Force** **FORM 2**

## OTHER SIGNIFICANT WITNESS PARTICULARS

**To be completed by any other persons who can provide relevant evidence, including any person who may have authorised the agreement on behalf of the owner.**

**Witness’s Full Name:**

**Home Address:**

**Home Phone:**

**Work Phone:**

**Employed Address:**

**Employment As:**

### UNAVAILABLE DATES

**Please list any dates in the next 12 months the witness is unavailable to attend Court should they be required.**



Witness Full Name

STATES

1. I am (insert number) years of age and I reside in (suburb, however if the address is an element of the offence record the full address).
2. I am employed as a (occupation).
3. **EXHIBIT (**Describe item to be produced as an exhibit).

SAMPLE

1. (Other Information / Evidence)
2. This statement is true to the best of my knowledge and belief. I have made this statement knowing that, if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything that I know to be false or that I do not believe is true.

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time\_\_\_\_\_\_\_\_

**Western Australia Police Force** **FORM 3**

## WITNESS PARTICULARS (CCTV FOOTAGE)

**To be completed by the person who downloaded the CCTV footage.**

**Witness’s Full Name:**

**Home Address:**

**Home Phone:**

**Work Phone:**

**Employed Address:**

**Employment As:**

### UNAVAILABLE DATES

**Please list any dates in the next 12 months the witness is unavailable to attend Court should they be required.**



Witness Full Name

STATES

1. I am the employee of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which is located at

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. At about \_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_\_\_ the

SAMPLE

 \_\_\_/ \_\_\_/\_\_\_\_\_\_\_, I downloaded security footage of an incident being a

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that occurred on \_\_\_ / \_\_\_/\_\_\_\_\_\_\_.

1. I handed a DVD / CD / USB DRIVE

 containing this security footage to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to deliver to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Police Station on \_\_\_ / \_\_\_/\_\_\_\_\_\_\_.

1. **EXHIBIT** I now produce the footage to the court.

Statement of (full name of witness) continued

1. This statement is true to the best of my knowledge and belief. I have made this statement knowing that, if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything that I know to be false or that I do not believe is true.

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time\_\_\_\_\_\_\_\_

SAMPLE