

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Crimes (Sentencing Procedure) Act 1999* to make it an aggravating factor to be taken into account in sentencing an offender for certain traffic offences if the offence is committed while a child under 16 years of age is a passenger in the offender's vehicle (or if the offence is connected with the driving of a vehicle with such a passenger). The traffic offences concerned include drink driving, drug driving, driving in a police pursuit, dangerous driving under the influence of alcohol or drugs and failing to undergo a test for alcohol or drugs.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

### **Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Schedule 1 [1]** provides that it is an aggravating factor if the offence was a **prescribed traffic offence** and was committed while a child under 16 years of age was a passenger in the offender's vehicle. **Schedule 1 [3]** specifies the prescribed traffic offences, which are as follows:

- (a) driving with the prescribed concentration of alcohol in the person's breath or blood,
- (b) driving with drugs in the person's oral fluid, blood or urine,
- (c) driving under the influence of alcohol or drugs,
- (d) refusing a breath test or analysis for alcohol or an oral fluid test or sample for drugs,
- (e) refusing, or preventing a medical practitioner or nurse from taking, a urine test or blood sample, or wilfully altering a blood or urine sample,
- (f) dangerous driving occasioning death or grievous bodily harm while under the influence of alcohol or drugs or in a police pursuit,
- (g) driving dangerously and not stopping when being pursued by police officers.

**Schedule 1 [2]** provides that certain prescribed traffic offences which may occur away from the vehicle, such as at a police station or hospital, are taken to have been committed while a child under 16 years of age was a passenger in the offender's vehicle if the offence was part of a series of events that involved the driving of the vehicle while the child was a passenger in the vehicle.

**Schedule 1 [4]** enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.