

Explanatory note

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

Overview of Bill

The object of this Bill is to create a new indictable offence of failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others, after becoming aware that police officers are in pursuit of the vehicle. The Bill also makes other consequential amendments including licence disqualification for persons convicted of the new offence.

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 Act 1900 No 40

Schedule 1 amends the Act to create a new indictable offence of failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others, after becoming aware that police officers are in pursuit of the vehicle. The

Explanatory note page 2

Crimes Amendment (Police Pursuits) Bill 2010

Explanatory note

maximum penalty will be imprisonment for 3 years for a first offence, or imprisonment for 5 years for an offence on a second or subsequent occasion.

Schedule 2 Amendment of Criminal Procedure

Act 1986 No 209

Schedule 2 amends the Act to enable the new indictable offence to be tried summarily by the Local Court unless the prosecutor elects to have the offence dealt with on indictment before a jury.

Schedule 3 Amendment of Road Transport (General)

Act 2005 No 11

Schedule 3 amends the Act to apply the driver licence disqualification provisions to persons convicted of the new offence (by extending the definition of convicted person in section 188 of the Act to include those persons). As a consequence, the conviction will also amount to a "major offence" for the purposes of the Act.

Classification as a major offence makes any such convicted person liable to a declaration that the person is an "habitual traffic offender" and therefore subject to longer periods of disqualification from holding a driver licence.