

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [10.32 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Crimes Amendment (Police Pursuits) Bill 2010. The death of young Skye Sassine last New Year's Eve was a tragedy. As a Parliament we have a duty to deter the kind of behaviour that is alleged to have caused such an unnecessary loss of life. That duty demands immediate action, and that is what we are delivering today. This bill introduces a new offence targeting people who participate in police pursuits while driving in a reckless or dangerous manner. The offence will be incorporated into new section 51B of the Crimes Act. The offence will involve three elements: first, persons know that police are in pursuit of their vehicle and that they are required to stop; second, they do not stop their vehicle; and, third, they drive their vehicle recklessly or at a speed or in a manner dangerous to others.

It will usually be clear from the circumstances whether drivers knew that police were in pursuit and that they were required to stop the vehicle. For example, police may be following in a marked car with their lights flashing, or a driver may lead police on a chase while taking deliberate steps to evade apprehension. We all agree that police must be allowed to engage in pursuits of fleeing offenders. To do otherwise would be to give offenders the clear message that all they have to do to evade capture, and the punishment they so justly deserve, is to drive off and police will let them go. These pursuits are a vital part of modern policing. It is important, however, that pursuits are conducted in a way that maximises public safety. For this reason police pursuits are subject to very strict guidelines that contain safe driving strategies and identify the roles and responsibilities of officers involved in pursuit situations.

The New South Wales Police Force comprehensively reviewed the Safe Driving Policy in 2007-08, following a review by the Ombudsman of compliance with the existing policy in the context of police pursuits. Most of the Ombudsman's recommendations were supported by police and adopted in the revised policy. The new Safe Driving Policy was issued in August 2008. A key feature of the policy is that pursuits are considered as a last resort. They will be used only when the gravity and seriousness of the circumstances require such action and there are no other immediate means of responding. Officers may engage in a pursuit only when there is reasonable cause to believe that the person being pursued has committed, or has attempted to commit, an offence and is attempting to evade police. The New South Wales Police Force takes the conduct of pursuits extremely seriously and continually monitors its pursuit management practices. This approach will, of course, continue on commencement of the new provisions the Government is introducing in this bill.

The new offence carries a maximum penalty of three years imprisonment, with a maximum penalty of five years imprisonment applying in the case of repeat offenders. Robust licence disqualification provisions, including an automatic disqualification of three years for a first offence and five years if it is the offender's second or subsequent major traffic offence within a five-year period, will augment these penalties. Further, the offence will form part of the habitual traffic offender scheme, which exposes serious repeat offenders to lengthy periods of disqualification, up to and including disqualification for life. There is provision to deal with the proposed new indictable offence summarily or on indictment in the District Court at the election of the prosecution.

Importantly, it is apposite to note that drivers who flee from police can already be charged with a range of offences. The offences of dangerous driving occasioning grievous bodily harm or death, which carry maximum penalties of seven and 10 years imprisonment, are aggravated when a person is fleeing police such that the maximum penalties are 11 and 14 years respectively. In the most serious cases, a driver who kills another person in the course of a police pursuit may be charged with manslaughter or murder. The message is very clear: anyone fleeing police in a dangerous manner and another person is seriously injured or killed can expect to go to jail for a significant period. That is what the community wants. That is what the Government has delivered and will continue to deliver for the community. At the other end of the scale is the offence of failing to stop a vehicle when directed to do so by police. This offence will continue to carry a maximum penalty of one year—for the mere failure to stop a vehicle when instructed to do so by police.

The new offence proposed in this bill deals with the situation where a person leads police on a dangerous pursuit but, thankfully, no-one is seriously injured or killed as a result. The tragic death of 19-month-old Skye Sassine brought into sharp relief the level of community and police concern over this issue. We listened, and we have responded. This new offence will make some people think twice before they decide to ignore a police direction to pull over, and that is the way it should be. Those who do not pull over when directed to do so will now face serious consequences. I commend the bill to the House.