

**NORTHERN TERRITORY OF AUSTRALIA**

**CRIMINAL CODE AMENDMENT (DANGEROUS DRIVING DURING  
PURSUIT) ACT 2014**

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**Act No. 29 of 2014**

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 29 of 2014

An Act to amend the Criminal Code

[Assented to 18 September 2014]

[Second reading 15 May 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## **1 Short title**

This Act may be cited as the *Criminal Code Amendment (Dangerous Driving During Pursuit) Act 2014*.

## **2 Commencement**

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## **3 Criminal Code amended**

This Act amends the Criminal Code.

## **4 Part VI, Division 3A heading amended**

Part VI, Division 3A, heading

*omit*

**death or serious harm involving motor**

*insert*

**related offences involving**

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**5 Section 174FB inserted**

After section 174FA, in Part VI, Division 3A, Subdivision 2

*insert*

**174FB Dangerous driving during pursuit**

- (1) The driver of a vehicle commits an offence if:
- (a) a police officer gives the driver a direction to stop the vehicle under a law in force in the Territory; and
  - (b) the driver fails to comply with the direction; and
  - (c) a police officer pursues the vehicle; and
  - (d) the driver drives the vehicle dangerously while it is being pursued.

Maximum penalty: Imprisonment for 5 years.

*Examples for subsection (1)(a) of laws under which a direction to stop may be given*

1 Section 119A of the Police Administration Act.

2 Section 29AAB of the Traffic Act.

- (2) For subsection (1):
- (a) a police officer may be pursuing a vehicle even if the officer is not travelling at the same speed as the vehicle; and
  - (b) it is irrelevant that the officer's pursuit is suspended or ends before the vehicle being pursued stops; and
  - (c) a driver drives a vehicle dangerously if the driver drives the vehicle:
    - (i) while under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vehicle; or
    - (ii) at a speed that is dangerous to another person; or
    - (iii) in a manner that is dangerous to another person.
- (3) An offence against subsection (1) is an offence of strict liability.

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- (4) It is a defence to a prosecution for an offence against subsection (1) if the defendant believed, on reasonable grounds, that he or she was not given a direction to stop the vehicle by a police officer.
- (5) The defendant has a legal burden of proof in relation to the matter mentioned in subsection (4).
- (6) In this section:

**direction to stop**, in relation to a vehicle, means any action taken by a police officer to indicate to the driver of the vehicle that the driver must stop the vehicle including, for example:

- (a) the giving of hand signals or the display of signs; and
- (b) if the officer is driving a vehicle – any of the following:
- (i) the flashing of the vehicle's headlights;
  - (ii) the use of a lamp on the vehicle displaying intermittent red and blue flashes;
  - (iii) the sounding of an alarm, siren or other warning device from the vehicle.

**driver**, see section 174FA(2).

**vehicle**, see section 174FA(2).

## **6 Schedule 1 amended**

- (1) Schedule 1
- omit*
- death or serious harm involving motor
- insert*
- related offences involving
- (2) Schedule 1
- omit*
- Section 174FA (Hit and Run)

## **7 Expiry of Act**

This Act expires on the day after it commences.