

Serial 2
Criminal Code Amendment (Hit and Run and Other Endangerment Offences)
Bill 2008
Dr Burns

A Bill for an Act to amend the *Criminal Code*

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (HIT AND RUN AND OTHER
ENDANGERMENT OFFENCES) ACT 2008

Act No. [] of 2008

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2008

An Act to amend the Criminal Code

[Assented to [] 2008]
[Second reading [] 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Hit and Run and Other Endangerment Offences) Act 2008*.

2 Commencement

- (1) Sections 3 and 4 commence on the day on which the Administrator's assent to this Act is declared.
- (2) The remaining provisions of this Act commence on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the Criminal Code.

4 New section 43ACA

After section 43AC, in Subdivision 1

insert

43ACA Law including separate statement about fault elements

- (1) This section applies to a provision of a law that:
 - (a) creates an offence; and
 - (b) includes a separate statement:
 - (i) specifying the fault elements of the offence; or
 - (ii) classifying the offence as one of strict liability or absolute liability (and thus excluding fault elements).

Example

See the statement under the heading "Fault elements" in section 174FA(1).

- (2) Part IIAA applies to the offence.

Note

Part IIAA states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences (for example, see the extended meaning given to the concept of recklessness in section 43AK(4)).

- (3) If the statement identifies certain elements as the fault elements of the offence:
 - (a) the fault elements so identified are the only fault elements of the offence; and
 - (b) the statement operates to the exclusion of fault elements that might otherwise be implied under provisions of this Code.

Note

Accordingly fault elements that might otherwise be implied under section 43AM are excluded by the statement.

- (4) If the statement classifies the offence as one of strict liability, section 43AN(1) applies to the offence.
- (5) If the statement classifies the offence as one of absolute liability, section 43AO(1) applies to the offence.

5 New section 174FA

After section 174F, in Subdivision 2

insert

174FA Hit and run

- (1) The driver of a vehicle is guilty of a crime if:
- (a) the vehicle is involved in an incident that results in the death of, or serious harm to, a person; and
 - (b) the driver fails to:
 - (i) stop the vehicle at the scene of the incident; and
 - (ii) give any assistance to the person that is reasonable in the circumstances.

Fault elements:

The driver knows, or is reckless as to whether or not:

- (a) the vehicle is involved in an incident; and
- (b) the incident results in the death of, or serious harm to, a person.

Maximum penalty:

- (a) Imprisonment for 10 years if the incident results in the death of a person.
- (b) Imprisonment for 7 years if the incident results in serious harm of a person.

- (2) In this section:

driver, of a vehicle, includes a person who controls the vehicle (for example, the rider of a motorcycle).

vehicle means any form of transport that can be used on a road or track (for example, a car, trailer, bicycle, horse or horse drawn carriage).

6 New section 180A

After section 180

insert

180A Endangering occupants of vehicles and vessels

- (1) A person is guilty of a crime if:
- (a) the person throws a thing, or directs a laser pointer, at a vehicle or vessel; and
 - (b) the act mentioned in paragraph (a) gives rise to a danger of harm to someone in or on the vehicle or vessel.

Fault elements:

The person:

- (a) intentionally throws the thing or directs the pointer; and
- (b) knows, or is reckless as to whether or not, the act gives rise to a danger of harm to someone in or on the vehicle or vessel.

Maximum penalty: Imprisonment for 4 years.

- (2) Subsection (1) applies whether or not the vehicle or vessel is stationary and whether or not the thing or laser beam reaches the vehicle or vessel.

- (3) In this section:

laser pointer means a hand-held battery-operated device that is:

- (a) commonly known as a laser pointer; and
- (b) designed or adapted to emit a laser beam with an accessible emission limit of greater than 1 mW.

throwing a thing includes dropping or propelling the thing in any way.

vehicle means any form of transport that can be used on a road or track (for example, a car, trailer, bicycle, horse or horse drawn carriage).

7 Amendment of Schedule 1

Schedule

insert (in numerical order)

Section 174FA (Hit and run)

Section 180A (Endangering occupants of vehicles and vessels)