

Serial 84
Criminal Code Amendment (Dangerous Driving During Pursuit) Bill 2014
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (DANGEROUS DRIVING DURING
PURSUIT) ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the Criminal Code

[Assented to [] 2014]
[Second reading [] 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

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.

(4) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes that the defendant believed, on reasonable grounds, that he or she was not given a direction to stop the vehicle by a police officer.

(5) 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.