

Act 1994 No. 78

**CRIMES (DANGEROUS DRIVING OFFENCES) AMENDMENT
BILL 1994***

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Traffic (Negligent Driving Offences) Amendment Bill 1994 is cognate with this Bill.

The object of this Bill is to amend the Crimes Act 1900 to implement certain recommendations of the Staysafe Committee in its report tabled in the Legislative Assembly on 8 March 1994 relating to section 52A (culpable driving) of the Act. The amendments:

- (a) replace the offence of culpable driving with the following four offences:
 - dangerous driving occasioning death;
 - aggravated dangerous driving occasioning death;
 - dangerous driving occasioning grievous bodily harm;
 - aggravated dangerous driving occasioning grievous bodily harm; and
- (b) increase the penalties in relation to dangerous driving offences and provide for higher maximum sentences of imprisonment if aggravating circumstances (such as having the prescribed concentration of alcohol or driving at an excessive speed) are involved; and
- (c) provide that, for the purposes of the offences, there is a conclusive presumption that a person is under the influence of intoxicating liquor if the person has a blood alcohol concentration of 0.15 grammes or more per 100 millilitres of blood; and
- (d) ensure that the offences extend to all mechanically propelled or horse-driven vehicles, whether on public roads or private land.

Amended in committee—see table at end of volume.

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The proposed Act also provides that any of the offences may be established if the prosecution proves that the driver of a vehicle caused a collision between other vehicles or between another vehicle and an object or person. Apart from this, the other circumstances that may presently give rise to an offence are retained, though the section is in a recast form. The recast form of the section will not affect the elements that the prosecution is presently required to prove to establish an offence.

The proposed Act also makes a consequential amendment to the Criminal Records Act 1991.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Crimes Act 1900.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the Criminal Records Act 1991.

Schedule 1 makes the amendments to the Crimes Act 1900 described above.

Schedule 2 makes the amendments to the Criminal Records Act 1991 described above.
