



New South Wales

# Crimes Amendment (Police Pursuits) Bill 2010

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to create a new indictable offence of failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others, after becoming aware that police officers are in pursuit of the vehicle. The Bill also makes other consequential amendments including licence disqualification for persons convicted of the new offence.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Crimes Act 1900 No 40

**Schedule 1** amends the Act to create a new indictable offence of failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others, after becoming aware that police officers are in pursuit of the vehicle. The

maximum penalty will be imprisonment for 3 years for a first offence, or imprisonment for 5 years for an offence on a second or subsequent occasion.

## **Schedule 2      Amendment of Criminal Procedure Act 1986 No 209**

**Schedule 2** amends the Act to enable the new indictable offence to be tried summarily by the Local Court unless the prosecutor elects to have the offence dealt with on indictment before a jury.

## **Schedule 3      Amendment of Road Transport (General) Act 2005 No 11**

**Schedule 3** amends the Act to apply the driver licence disqualification provisions to persons convicted of the new offence (by extending the definition of *convicted person* in section 188 of the Act to include those persons). As a consequence, the conviction will also amount to a “major offence” for the purposes of the Act. Classification as a major offence makes any such convicted person liable to a declaration that the person is an “habitual traffic offender” and therefore subject to longer periods of disqualification from holding a driver licence.

First print



New South Wales

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New South Wales

# Crimes Amendment (Police Pursuits) Bill 2010

No. , 2010

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## A Bill for

An Act to amend the *Crimes Act 1900* in relation to police pursuits; and to amend the *Criminal Procedure Act 1986* and the *Road Transport (General) Act 2005* consequentially.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Crimes Amendment (Police Pursuits) Act 2010</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

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**Schedule 1      Amendment of Crimes Act 1900 No 40**

**Section 51B**

Insert after section 51A:

**51B    Police pursuits**

- (1) The driver of a vehicle:
- (a) who knows that police officers are in pursuit of the vehicle and that the driver is required to stop the vehicle, and
  - (b) who does not stop the vehicle, and
  - (c) who then drives the vehicle recklessly or at a speed or in a manner dangerous to others,
- is guilty of an offence.
- Maximum penalty:
- (a) in the case of a first offence—imprisonment for 3 years, or
  - (b) in the case of an offence on a second or subsequent occasion—imprisonment for 5 years.
- (2) In this section, *vehicle* has the same meaning as it has in section 52A.

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<b>Schedule 2</b>	<b>Amendment of Criminal Procedure Act</b>	1
	<b>1986 No 209</b>	2
	<b>Schedule 1 Indictable offences triable summarily</b>	3
	Insert “51B,” after “49A,” in item 1 of Part 1 of Table 2.	4



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**Schedule 3      Amendment of Road Transport (General)  
Act 2005 No 11**

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**Section 188 Disqualification for certain major offences**

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Insert “, 51B” after “51A” in paragraph (b) of the definition of *convicted person* in section 188 (1).

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