

DRAFT SECOND READING SPEECH

HON. MATTHEW GROOM MP

Criminal Code Amendment (Dangerous Driving) Bill 2017

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Madam Speaker, the Government recognises the potentially catastrophic effects of unsafe driving and this Bill strengthens Tasmania's criminal justice response to acts of unsafe driving.

Unsafe driving has significant social, health and economic consequences for individuals and for the Tasmanian community. It is in the interests of all Tasmanians to ensure that users of our roads remain safe.

This Bill was developed following consideration of the Sentencing Advisory Council's final report *Sentencing of Driving Offences that Result in Death or Injury*, released in April this year.

The Bill makes several specific changes to existing legislation.

The first change relates to dangerous driving. Dangerous driving is currently a summary offence contained in the *Traffic Act 1925*. Clauses 4 and 6 of this Bill move dangerous driving to the *Criminal Code Act 1924*, making it an indictable offence. This will mean that people charged with dangerous driving can be dealt with in the Supreme Court, where the Director of Public Prosecutions can prosecute offenders, and the maximum available sentence of imprisonment will be 21 years.

At present, dangerous driving is contained in section 32, subsection (1) of the *Traffic Act 1925*. There is another offence contained in subsection (1): reckless driving. Reckless driving will remain in the *Traffic Act 1925* as a summary offence.

This change reflects the seriousness of dangerous driving, and the risk that it presents to the community, while at the same time preserving a summary offence.

The Director of Public Prosecutions is empowered by his Act to issue guidelines to prosecutors and the Commissioner of Police with regard to how prosecutions are conducted. In light of these amendments, the Director will be issuing guidelines as to what type of conduct is to be captured by the crime of dangerous driving, and what would more appropriately be dealt with summarily by the offence of reckless driving.

The maximum penalties for reckless driving vary depending on whether the offence is a first or subsequent offence. This Bill inserts new subsection (1A) into section 32 of the *Traffic Act 1925*. New subsection (1A) will ensure that a prior conviction for dangerous or reckless driving, committed prior to these amendments, will continue to be treated as a prior offence for the purposes of sentencing an offender.

The Bill also increases the maximum penalties for two offences in the *Traffic Act 1925*: negligent driving causing death and, negligent driving causing grievous bodily harm.

At present, the maximum sentence of imprisonment for negligent driving causing death is one year for a first offence and two years for a subsequent offence. The Bill increases the maximum sentence of imprisonment for negligent driving causing death to two years for a first offence and three years for a subsequent offence.

The maximum sentence of imprisonment for negligent driving causing grievous bodily harm is presently six months for a first offence and one year for a subsequent offence. The Bill increases the maximum sentence of imprisonment for negligent driving causing grievous bodily harm to one year for a first offence and 18 months for a subsequent offence.

The Bill also amends existing alternative conviction provisions for causing death or grievous bodily harm by dangerous driving.

Alternative convictions allow a court to convict a person of a different offence if the person is found not guilty of the original charge.

At the moment, a person charged with causing death or grievous bodily harm by dangerous driving can be convicted of either reckless driving or dangerous driving as alternative convictions. These alternative convictions will continue to be available.

However, the Bill will also allow a person to be convicted of negligent driving causing grievous bodily harm as an alternative where the person is charged with dangerous driving causing grievous bodily harm.

Additionally, the Bill will allow a person to be convicted of negligent driving causing death if the person has been charged with causing death by dangerous driving.

The Government conducted public and targeted consultation on a draft version of this Bill, including to legal and road safety stakeholders. I thank those who made comments in response to the draft Bill.

Madam Speaker, driving unsafely is inherently dangerous. It is tragic that each year around 300 people are seriously injured and killed on Tasmanian roads. Deaths and serious injuries on the road have obvious and terrible physical and emotional effects on those directly involved. Beyond the immediate victims, harm on our roads causes trauma to family and friends, witnesses, emergency services personnel and hospital staff.

Our roads must be as safe as we can make them and we must ensure that criminal laws allow courts to deal appropriately with people who put other road users at risk.