



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

---

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into Dangerous Driving

**Submission Number:** 013 - Attachment A

**Date Authorised for Publication:** 10 October 2022

### Hierarchy of dangerous driving and hooning offences

Legislation	Provision	Penalties	Mandatory minimum licence disqualification <sup>1</sup> (the court may impose a longer sentence)	Option to seize, impound and forfeiture vehicles <sup>2</sup>
<i>Crimes Act 1900</i>	Section 29 (2) – culpable driving causing death (aggravated offence <sup>3</sup> )	16 years maximum imprisonment	12 months – first offenders 24 months – repeat offenders	Vehicles are seized under the <i>Coroners Act 1997</i> (Coroners Act) if there has been a death.
	Section 29 (2) – Culpable driving causing death	14 years maximum imprisonment	12 months – first offenders 24 months – repeat offenders	Vehicles are seized under the <i>Coroners Act 1997</i> (Coroners Act) if there has been a death.
	Section 29 (4) – Culpable driving causing grievous bodily harm (aggravated offence <sup>4</sup> )	12 years maximum imprisonment	12 months – first offenders 24 months – repeat offenders	ACT Policing utilises a combination of existing powers linked to finding evidence of an offence.
	Section 29 (4) – Culpable driving causing grievous bodily harm	10 years maximum imprisonment	12 months – first offenders 24 months – repeat offenders	ACT Policing utilises a combination of existing powers linked to finding evidence of an offence.
<i>Road Transport (Safety and Traffic Management) Act 1999</i>	Section 7 – Furious, reckless or dangerous driving (aggravated offence – repeat offender)	500 penalty units, 5 years imprisonment or both	12 months	
	Section 7 – Furious, reckless or dangerous driving (aggravated offence – first offender)	300 penalty units, 3 years imprisonment or both	12 months	
	Section 5C – Failing to stop motor vehicle for police (repeat offender)	300 penalty units, 3 years or both	12 months Note: police must also issue an	Yes – options prior to conviction and post-conviction

<sup>1</sup> See sections 62, 63 and 64 of the *Road Transport (General) Act 1999*

<sup>2</sup> See sections 10A, 10B, 10C of the *Road Transport (Safety and Traffic Management) Act 1999* for seizure, impounding and forfeiture of vehicles for hooning offences.

<sup>3</sup> An alternative offence to this offence is a negligent driving – section 48B *Crimes Act 1900*

<sup>4</sup> An alternative offence to this offence is a negligent driving – section 48B *Crimes Act 1900*

OFFICIAL

Legislation	Provision	Penalties	Mandatory minimum licence disqualification <sup>1</sup> (the court may impose a longer sentence)	Option to seize, impound and forfeiture vehicles <sup>2</sup>
			immediate licence suspension if the police officer believes on reasonable grounds that a person has committed this offence	
	Section 7 – Furious, reckless or dangerous driving (aggravated offence –in any other circumstance)	200 penalty units, 2 years imprisonment or both	12 months	
	Section 6 (1) (a) – Negligent driving occasioning death	200 penalty units, 2 years imprisonment or both	9 months – first offenders 18 months – repeat offenders	Vehicles are seized under the <i>Coroners Act 1997</i> (Coroners Act) if there has been a death
	Section 5C – Failing to stop motor vehicle for police (first offender)	100 penalty units, 1 year imprisonment or both	3 months  Note: police must also issue an immediate licence suspension if the police officer believes on reasonable grounds that a person has committed this offence	Yes – options prior to conviction and post-conviction
	Section 7 – Furious, reckless or dangerous driving (non-aggravated offence)	100 penalty units, 1 year imprisonment or both	3 months – first offenders 12 months – repeat offenders	
	Section 8 – Menacing driving.	100 penalty units, 1 year imprisonment or both	3 months – first offenders 12 months – repeat offenders	Yes – options prior to conviction and post-conviction
	Section 6 (1) (b) – negligent driving occasioning grievous bodily harm	100 penalty units, 1 year imprisonment or both	6 months – first offenders 12 months – repeat offenders	

Legislation	Provision	Penalties	Mandatory minimum licence disqualification <sup>1</sup> (the court may impose a longer sentence)	Option to seize, impound and forfeiture vehicles <sup>2</sup>
	Section 6 (1) (c) – negligent driving occasioning actual bodily harm	50 penalty units, or \$923 infringement notice penalty and 3 demerit points	court discretion to apply a period of licence disqualification <sup>5</sup>	
	Section 6 (1) (d)– negligent driving in any other case	20 penalty units, or \$612 infringement notice penalty and 3 demerit points	court discretion to apply a period of licence disqualification <sup>6</sup>	
	Section 5B – improper use of motor vehicle	30 penalty units, or \$995 infringement notice penalty and 3 demerit points (if a prohibited substance has been placed on the road)  20 penalty units or \$700 infringement notice penalty and 3 demerit points (in any other case)	3 months – first offenders 12 months – repeat offenders	Yes – options prior to conviction and post-conviction
	Section 5A - races, attempts on speed records, speed trials etc	20 penalty units, or \$492 infringement notice penalty and 3 demerit points	3 months – first offenders 12 months – repeat offenders	Yes – options prior to conviction and post-conviction

---

<sup>5</sup> Section 64, *Road Transport (General) Act 1999*

<sup>6</sup> Section 64, *Road Transport (General) Act 1999*