



AFP
AUSTRALIAN FEDERAL POLICE

Chief Police Officer for the ACT

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18 January 2023

Mr Peter Cain MLA
Chair of the Standing Committee on Justice and Community Safety
The Legislative Assembly of the ACT
GPO Box 1020
CANBERRA ACT 2601

By email:
LACommitteeJCS@parliament.act.gov.au

Dear Mr Cain

JACS INQUIRY INTO DANGEROUS DRIVING – CLARIFICATION REGARDING SKYE'S LAW

Thank you for your letter dated 7 December 2022 following ACT Policing's submission and appearance at the public hearing into Dangerous Driving. I also extend my thanks to you for the opportunity to expand on what changes to the legislation ACT Policing believe are necessary to implement Skye's Law.

Skye's Law, Section 51B of the *Crimes Act 1900 (NSW)*, was introduced in NSW in 2010 after a toddler, Skye Sassine, was killed in a collision whereby an offender's vehicle who had failed to stop for police and engaged them in a pursuit, collided with the vehicle in which Skye was traveling.

As noted in the ACT Government submission to the Committee, ACT Policing strongly supportive of the introduction of a similar law for the ACT. I understand from your letter, the Attorney General noted in his evidence to the Committee, Section 5C of the *Road Transport (Safety and Traffic Management) Act 1999* is similar to Skye's Law. I respectfully submit they may be similar but the laws are not the same. It is the differences between these laws that ACT Policing wishes to work through with the Government to improve the legislative framework for dealing with offenders who fail to stop when pursued by police. Currently, in the ACT the maximum penalty for those offenders is one year, and three years for second or subsequent offenders. In NSW the same offence carries harsher maximum penalties.

Under Skye's Law first time fail to stop offenders are sentenced for a maximum of three years, and second or subsequent offenders are sentenced for a maximum of five years. These sentences are accompanied by a mandatory licence disqualification for a minimum period of one year. Second or subsequent offenders face a licence disqualification period of two to five years at the Court's discretion.

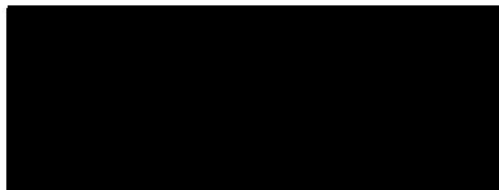
While ACT Policing are continuing to implement alternative capabilities that reduce the necessity for police pursuits and significantly lessen the time an offending vehicle is in the community, we are of the firm belief that the penalties under Section 5C are not a deterrent for offenders.

ACT Policing advocate for legislative reform that would seek to introduce Skye's Law into the ACT which makes evading a police pursuit a specific offence. The offence would include mandated:

- prison sentences of a maximum of three years for a first offender
- prison sentences of a maximum of five years for a second or subsequent offender in a five-year period
- licence disqualifications for a minimum period of one year for first time offenders and a period of two to five years for repeat or subsequent offenders.

Should you wish to discuss any element of this response I encourage you to reach out to my office. Again, I wish to thank you for the opportunity to provide further context on Skye's Law and for your ongoing commitment to ACT Policing and our work to put an end to dangerous driving in the ACT. I look forward to our continued work together to ensure the successes of ACT Policing are continued into the future and discussing the outcomes of the JACS Inquiry into Dangerous Driving.

Yours sincerely



Chief Police Officer for the ACT