

Explanatory Statement

Issued by Authority of the Attorney-General

Australian Capital Territory Legislation  
Ordinance No. 1 of 1979  
Crimes Amendment Ordinance 1979

The purpose of this Ordinance is to amend the provisions of the Crimes Act 1900 of the State of New South Wales (in its application to the Australian Capital Territory) that deal with the offence of culpable driving. The present form of the section is unsatisfactory as it does not cover the situation where a passenger in the vehicle driven by the person charged is injured or killed.

This Ordinance repeals the existing provision and substitutes a new section 52A which defines the offence of culpable driving as driving a motor vehicle recklessly, negligently, or under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of a vehicle.

A person who, by culpable driving, causes the death of another person is liable to a maximum penalty of imprisonment for 5 years; if grievous bodily harm is caused the maximum penalty is imprisonment for 3 years. These penalties are the same as those previously provided for these offences.