

17 February 2023

NSW Law Reform Commission  
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Dear The Honourable Tom Bathurst AC KC,

**Preliminary Submission to NSW Law Reform Commission review on Serious Road Crime**

Thank you for the opportunity to provide a preliminary submission in relation to the NSW Law Reform Commission review on Serious Road Crime.

Your terms of reference seek comment on the following matters:

1. Whether the existing provisions of the Crimes Act 1900 (NSW) dealing with serious road and dangerous driving offences (in particular Part 3 Division 6 and manslaughter) ('serious road crimes') and accessorial liability provisions remain fit for purpose.
2. Whether the maximum sentences available for serious road crimes remain appropriate.
3. Relevant sentencing principles in statute and the common law for serious road crimes.
4. The experiences and rights of victims of serious road crime and their families within the criminal justice system.
5. Any other matter the commission considers relevant.

The Office of the Director of Public Prosecution ('ODPP') prosecutes a wide range of serious road crimes, primarily in the District Court. This includes strictly indictable offences such as manslaughter<sup>1</sup> and dangerous driving occasioning death,<sup>2</sup> as well as indictable offences such as dangerous driving occasioning grievous bodily harm<sup>3</sup> and failing to stop and assist after an impact causing death or grievous bodily harm.<sup>4</sup> The ODPP is also involved in prosecuting

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<sup>1</sup> Section 18(1)(b) *Crimes Act 1900*.

<sup>2</sup> Section 52A(1) and (2) *Crimes Act 1900*.

<sup>3</sup> Section 52A(3) and (4) *Crimes Act 1900*.

<sup>4</sup> Section 52AB *Crimes Act 1900*.

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summary road and driving offences where they relate to indictable matters, or following appeal from the Local Court.

The ODPP raises the following issues for the consideration of the Commission:

- i. Whether the existing provisions of the *Crimes Act 1900* (NSW) dealing with serious road and dangerous driving offences (in particular Part 3 Division 6 and manslaughter) ('serious road crimes') and accessorial liability provisions remain fit for purpose.

#### Section 52A Crimes Act 1900 – Causation and time of impact

Section 52A *Crimes Act 1900* concerns driving offences occasioning death or grievous bodily harm. In order to prove the basic offence (s 52A(1), (3)), the Crown is required to establish the following elements:

1. That the accused was the driver of a vehicle; and
2. The vehicle was involved in an impact; and
3. The impact occasioned death or grievous bodily harm to another person; and
4. At the time of the impact, the accused was driving the vehicle:
  - a. Under the influence of intoxicating liquor or of a drug, or
  - b. At a speed dangerous to another person or persons, or
  - c. In a manner dangerous to another person or persons.

We raise for the Commission's consideration issues that have arisen in the interpretation of the fourth element (that the conduct occurred "at the time of impact") and whether that phrase adequately accommodates causation issues that routinely arise in dangerous driving cases, particularly those involving "involuntary" driving or driving in a state of automatism.

The phrase "at the time of impact" was considered in *Jiminez v R* [1992] HCA 14; 173 CLR 572 (a case involving the former, analogous offence of "culpable driving"). In that case, the accused fell asleep and lost control of his vehicle, killing his passenger. The High Court confirmed that before an offence could be committed, the relevant conduct of an accused person must be voluntary. A person who was acting involuntarily (eg due to being asleep, or by experiencing an epileptic or hypoglycaemic episode) could not be criminally responsible for their involuntary conduct. However, at [11]-[12], the Court said the following (emphasis added):

*"The offence of culpable driving as it applies in the present case requires a motor vehicle to have been driven in a manner dangerous to the public at the time of the impact which occasioned death. Even if the motor vehicle was not being driven dangerously at the precise moment of impact, a preceding period of driving in a dangerous manner may be so nearly contemporaneous with the impact as to satisfy this element of the offence. Contemporaneity is a question for the jury. See *McBride v. The Queen* [1966] HCA 22; (1966) 115 CLR 44, at pp 47, 51, 52.*

*In the South Australian case of *Kroon* (1990) 52 A Crim R 15, at p 18, King C.J. observed that an offence such as culpable driving requires the relevant driving to have been voluntary and that driving while asleep does not constitute a voluntary act. Thus, he said, "a driver cannot be convicted of causing death or bodily injury by dangerous driving in respect of a period during which the driver is asleep". But he went on to say. at pp 18-19:*



*"Every act of falling asleep at the wheel is preceded by a period during which the driver is driving while awake and therefore, assuming the absence of involuntariness arising from other causes, responsible for his actions. If a driver who knows or ought to know that there is a significant risk of falling asleep at the wheel, continues to drive the vehicle, he is plainly driving without due care and may be driving in a manner dangerous to the public. If the driver does fall asleep and death or bodily injury results, the driving prior to the falling asleep is sufficiently contemporaneous with the death or bodily injury (McBride, per Barwick C.J. at 51) to be regarded as the cause of the death or bodily injury. The cases must be rare in which a driver who falls asleep can be exonerated of driving without due care at least, in the moments preceding sleep."*

*Jiminez* was applied in *Gillet v R* [2006] NSWCCA 370, where the accused had an epileptic seizure that resulted in his car colliding with another, killing three people. As held by McLellan CJ at CL at [15]-[16], the relevant inquiry was with respect to the period before the epileptic seizure, when the appellant was voluntarily driving the vehicle, having made the decision to drive with a medical condition an inherent characteristic of which was the risk of seizure. The decision to drive in such circumstances carried with it a risk additional to that normally associated with driving a motor vehicle, such that the voluntary period of driving thereafter was to be regarded as dangerous. His Honour held, "Just as driving when tired is the cause of the accident when the driver falls asleep, driving with the appellant's condition was relevantly the cause of the accidents and deaths when he suffered a seizure".

Although in *Gillet* there was found to be sufficient contemporaneity between the voluntary act and the "time of the impact" to satisfy this element, it is the experience of this Office that there are many matters where the length of the period of involuntary driving is such that the fourth element is held to be not satisfied. It is difficult to discern a principled basis to differentiate between the moral obloquy (and the rationale for criminalisation) that arises in a matter such as *Gillet* and matters that involve a voluntary act of dangerous driving followed by a lengthy period of involuntary driving prior to impact, such that the necessary contemporaneity for "at the time of impact" will not be met. To put it another way, if the dangerous driving of an accused person can be proven to be the operative cause of an impact and death or grievous bodily harm, what is the rationale for a superordinate requirement for temporal proximity?

A recent example, the circumstances of which are not infrequently seen by the ODPP, may illustrate the point.

In the Judge alone trial of *R v Lidgard* [2022] NSWDC 445, the accused voluntarily drove his vehicle following self-administration of insulin that was additional to his prescribed dosage. The additional insulin resulted in a hypoglycaemic episode that caused, on the accused's case, a state of automatism. The accused administered the insulin between 2:35 – 2:42pm, before entering his vehicle and voluntarily driving for approximately two minutes, before experiencing an hypoglycaemic episode from 2:44pm. The trial Judge found that this period of voluntary driving was relevantly dangerous. However, from 2:44pm onwards, the accused's conduct in driving the vehicle was found to have been undertaken in a state of automatism, and therefore involuntary. This state of automatism continued until the collision occurred at approximately 3:00pm. In acquitting the accused, the trial Judge determined that the accused's voluntary driving between 2:44pm and 3:00pm was not "so nearly contemporaneous" with the impact so as to satisfy this element. This finding was made by reference to the 16 minutes that had elapsed



between the onset of automatism and the collision, and the distance the vehicle travelled whilst being involuntarily driven.<sup>5</sup>

Although this was not the only basis on which the accused was acquitted in that matter, a finding that the accused was not liable because the Crown had failed to prove sufficient contemporaneity between the period of dangerous driving and the impact is seemingly incongruous with the object of the legislation to criminalise dangerous driving that is causally linked to death and grievous bodily harm.

The ODPP recommends that this issue be a subject of your review of serious road crimes with consideration of the need for a legislative approach to causation that accommodates an appropriate period between the act of voluntary dangerous driving and any causally related impact that causes death or grievous bodily harm.

#### Section 52A(7)(d) Crimes Act 1900

Section 52A(7) *Crimes Act 1900* provides for a number of circumstances that aggravate dangerous driving, so as to sustain the more serious offences under ss 52A(2) and 52A(4). Section 52A(7)(d), concerning an aggravating level of impairment as a result of drug use, is framed in the following terms (emphasis added):

*The accused's ability to drive was very substantially impaired by the fact that the accused was under the influence of a drug (other than intoxicating liquor) or a combination of drugs (whether or not intoxicating liquor was part of that combination).*

The ODPP is of the view that using two largely synonymous adjectives to describe the requisite level of impairment - "very substantially impaired" - is unnecessarily confusing and may pose an inordinately high bar on proof of the circumstance of aggravation, noting that the relevant element for the basic offence under s 52A(1)(a) and s 52A(3)(a) is "*under the influence of...a drug*".

#### Characterisation of Vehicular Manslaughter

As a form of involuntary manslaughter, vehicular manslaughter may fall into two categories; manslaughter by unlawful and dangerous act, and manslaughter by gross criminal negligence. In *R v Pullman* (1991) 25 NSWLR 89 at 97, the Court of Criminal Appeal outlined the following test with respect to establishing unlawfulness:

1. *An act which constitutes a breach of some statutory or regulatory prohibition does not, for that reason alone, constitute an unlawful act sufficient to found a charge of manslaughter within the category of an unlawful and dangerous act.*
2. *Such an act may, however, constitute such an unlawful act if it is unlawful in itself — that is, unlawful otherwise than by reason of the fact that it amounts to such a breach.*

There remains an unresolved question about the correctness of *Pullman*.<sup>6</sup> In *R v Borkowski* [2009] 95 A Crim R 15, Howie J (with whom McClellan CJ at CL agreed) queried whether vehicular manslaughter, except in extreme circumstances, could ever satisfy the test for unlawful and

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<sup>5</sup> For completeness, it is also noted that the trial Judge concluded, without elaboration, that the voluntary driving was not, in a practical sense, the cause of the impacts, and otherwise that the prosecution had not rebutted the defence of an honest and reasonable mistake of fact.

<sup>6</sup> See the discussion in *Davidson v R* [2022] NSWCCA 153 at [193]-[198].



dangerous act as outlined in *Pullman*.<sup>7</sup> Simpson J (as her Honour then was) reserved her position on the issue, although expressed her doubt about the correctness of *Pullman*.<sup>8</sup>

In response to the decisions of *Pullman* and *Borkowski*, vehicular manslaughter cases in NSW generally proceed on the basis of manslaughter by criminal negligence except in cases where the use of the vehicle is akin to a weapon and the impact involves an intentional collision: for example *Lees v R* [2019] NSWCCA 65 and *R v Chandler (No. 2)* [2017] NSWSC 1758, cases where, a car was driven so as to intentionally ram a person and a fence respectively, each of which were found to involve a mental element not far removed from that required for murder.<sup>9</sup>

Given the uncertainty about the correctness and application of *Pullman*, difficult questions remain about when a regulatory or statutory breach will be capable of satisfying the element of “unlawfulness” for unlawful and dangerous act manslaughter. This is significant when considering the legislative hierarchy of serious road crimes that cause death, and the fact that manslaughter is at the top of that hierarchy with a significantly higher maximum penalty than other offences (See Annexure A – Table of serious road crimes and maximum penalties). This particular difficulty was alluded to in *Davidson v R* [2022] NSWCCA 153 at [208]:

*“In some cases, it may well be a matter of prosecutorial discretion as to whether an offender is charged with the aggravated statutory offence or manslaughter by criminal negligence. By way of example, an offender who causes the death of one or more persons as a result of engaging in a police chase could be liable either for the statutory offence or the offence of manslaughter. The relevant distinction, whether they were driving to escape pursuit by a police officer (s 52A(2)) or whether they were driving in such a breach of their duty to other members of the public as to merit criminal punishment, may often be a fine line.”*

Further, although no category of manslaughter can be considered more or less serious than the other, the determination of the basis upon which category of vehicular manslaughter the offence lies is nevertheless of some importance.<sup>10</sup> Properly identifying the category provides clarity regarding the nature of the prosecution case and assists the Court in the sentencing process.

In the view of the ODPP, there is significant force in the observation made by Simpson J in *Borkowski* at [3] that “unlawful and dangerous” is a composite concept; where, then, the conduct in question must be sufficiently dangerous so as to justify the application of the criminal law, it is not clear why a breach of a statutory or regulatory prohibition that meets this level of dangerous should not qualify as the relevant unlawfulness.

In these circumstances, and noting the continued doubts expressed by the Court of Criminal Appeal as to the correctness of *Pullman*, the Commission may wish to consider this issue and whether legislative reform is appropriate.

#### Availability of a special verdict for Dangerous Driving offences

An offence under s 52A *Crimes Act 1900* is an offence of strict liability. As such, the prosecution is not required to prove a mental element (that is, that the accused *knew* or *intended* that the manner of their driving was dangerous, although it must be voluntary). The ODPP considers that there is a degree of uncertainty as to whether a special verdict, as a consequence of the defence of mental illness at common law or, as now provided by the *Mental Health and Cognitive*

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<sup>7</sup> *R v Borkowski* [2009] 95 A Crim R 15; [2009] NSWCCA 102 at [50]-[54] and [57].

<sup>8</sup> *Ibid* at [3].

<sup>9</sup> *Davidson v R* [2022] NSWCCA 153 at [33].

<sup>10</sup> *Davidson v R* [2022] NSWCCA 153 at [204].



*Impairment Forensic Provisions Act 2020*, the defences of mental health impairment or cognitive impairment,<sup>11</sup> are available in relation to strict liability offences. This likely turns on an assessment of the nature of such defences, and whether they are directed towards a denial of the necessary mental element for an offence, or should be considered to be “true” or “complete” defences, directed to moral blameworthiness.<sup>12</sup>

The ODPP notes that two District Court decisions (*R v Sandoval* and *R v Piper*),<sup>13</sup> which specifically considered the question as it relates to the defence of mental illness at common law, determined that the defence was available in relation to dangerous driving offences. The ODPP also notes the recent decision of *R v Masters* [2022] NSWCCA 228, where the CCA considered the correctness of the trial Judge’s determination that the appellant had not made out the defence of mental illness for an offence under s 52A, but did not specifically consider the anterior question of whether the defence was available at law.<sup>14</sup>

In the absence of appellate authority where the issue has been litigated, the Commission may wish to consider whether there is a need to resolve any remaining uncertainty as to the availability of the defences by legislative amendment.

### Accessorial Liability

Accessorial liability arises infrequently in cases involving serious road crime. The liability of an accessory in such a case is governed by the ordinary principles of criminal complicity,<sup>15</sup> as confirmed by the High Court in *Giorgianni v R* (1985) 156 CLR 473; [1985] HCA 29. This Office considers that the current accessorial liability principles are relatively settled and remain fit for purpose.

#### ii. **Whether the maximum sentences available for serious road crimes remain appropriate.**

The ODPP considers that the maximum sentences available for serious road crimes, as set out in Annexure A, remain appropriate.

Serious road crimes that occasion death are generally prosecuted on indictment.<sup>16</sup> The current prescribed maximum penalties for such offences indicate the seriousness with which the legislature views the offending conduct, whilst ensuring the Court has appropriate discretion to accommodate the broad range of driving conduct that may constitute the offence and the subjective circumstances of the offender. The ODPP has not observed any pattern of sentencing, in the Local Court, District Court or Court of Criminal Appeal, that indicates that the maximum sentences available for such offences require adjustment.

We note that in 2011, the Sentencing Council of NSW considered whether standard non-parole periods should be introduced for dangerous driving offences, and ultimately recommended that there was no justification to do so.<sup>17</sup>

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<sup>11</sup> Section 28 *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

<sup>12</sup> See the discussion in *Crime and Mental Health Law in NSW* (Howard and Westmore, 3<sup>rd</sup> Edition), “The relationship of mental illness to *mens rea* and strict liability”, from Chapter 6.65 onwards.

<sup>13</sup> *R v Sandoval* [2010] NSWDC 255 at [41]-[64]; *R v Piper* (unrep) NSWDC (14 April 2005), which was the subject of a Crown appeal to the CCA, but the appeal was not determined as the Court considered that it lacked jurisdiction: *R v Piper* [2005] NSWCCA 134.

<sup>14</sup> This was in circumstances where the prosecution had not challenged the availability of the defence at first instance, and the trial judge ultimately concluded that it was available.

<sup>15</sup> Section 345-347 *Crimes Act 1900*.

<sup>16</sup> With the exception of negligent driving causing death pursuant to s 117(1)(a) *Road Transport Act 2013*, which is a summary offence.

<sup>17</sup> New South Wales Sentencing Council, *Standard non-parole periods for dangerous driving offences*, (January 2011); 47.



iii. **Relevant sentencing principles in statute and the common law for serious road crimes.**

Sentencing for serious road crimes is governed by the *Crimes (Sentencing Procedure) Act 1999* and the common law. Sentences for offences prosecuted under s 52A *Crimes Act* are also influenced by the guideline judgment in *R v Whyte* (2002) 55 NSWLR 252 (which replaced the previous guideline judgment of *R v Jurisic* (1998) 45 NSWLR 209). This Office considers that current sentencing principles are appropriately adapted to accommodate the issues that commonly arise with this type of offending.

As set out below, the *Crimes (Sentencing Procedure) Act 1999* also provides avenues through which the impact of serious road crimes on victims and family victims can be put before the court and, where appropriate, taken into account.

For completeness, we draw to the Commission's attention that special leave to appeal to the High Court is being sought in *Davidson v R* [2022] NSWCCA 153, and the matter is listed for oral argument on 16 March 2023. Leave is sought on the question of the proper application of the principles of totality when one act of criminal negligence (vehicular manslaughter) causes multiple deaths.

iv. **The experiences and rights of victims of serious road crime and their families within the criminal justice system.**

The ODPP's Witness Assistance Service ('WAS') plays a critical role in supporting victims of serious road crime and their families in matters that are prosecuted by this Office. As part of the prosecution team, a WAS officer will endeavour to build a close rapport with victims and families, and provide assistance and referrals so as to minimise, so far as it is possible, the trauma experienced as a matter progresses through the criminal justice system. The following observations about the experiences of victims of serious road crime in the criminal justice system are based on advice from the WAS.

*Exclusion from statutory support under the Victims Right and Support Act 2013*

Victims of crime are generally entitled to support and compensation if they are meet the criteria in the *Victims Right and Support Act 2013* ('VRS Act'). Eligibility for support turns on whether they can establish that they are a primary, secondary or family victim of an act of violence.<sup>18</sup> The nature of the support can be divided into four components: financial assistance for immediate needs, financial assistance for economic loss, recognition payments, and counselling. The counselling component includes 22 hours of free counselling.

However, victims of serious road crimes are generally not eligible for support as a result of s 25(2) of the VRS Act, which provides that:

*"(2) Motor vehicle accidents - A person is not eligible to receive victims support in respect of an act of violence if that act took the form of, or the injury arose as a consequence of, a motor accident within the meaning of the Motor Accidents Compensation Act 1999."*

The definition of motor accident within the *Motor Accidents Compensation Act 1999* is broad:

*"motor accident means an incident or accident involving the use or operation of a motor vehicle that causes the death of or injury to a person where the death or injury*

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<sup>18</sup> Section 23 *Victims Rights and Support Act 2013*.



is a result of and is caused (whether or not as a result of a defect in the vehicle) during—

- (a) the driving of the vehicle, or
- (b) a collision, or action taken to avoid a collision, with the vehicle, or
- (c) the vehicle's running out of control, or
- (d) a dangerous situation caused by the driving of the vehicle, a collision or action taken to avoid a collision with the vehicle, or the vehicle's running out of control.<sup>19</sup>

A motor accident victim is however entitled to claim such support if:

- The act of violence was the intentional killing of the primary victim **and** a person has been charged with murder for that act.<sup>20</sup>
- The act of violence was a terrorist act within the meaning of *Terrorism (Police Powers) Act 2002*.

The operation of the VRS Act and the definition of motor accident effectively excludes the majority of victims of serious road crime from receiving the support offered to victims of serious and violent crime. It is acknowledged that the *Motor Accidents Compensation Act* provides a different avenue of redress in terms of financial compensation, but one of the key complaints raised by victims to our Office is the exclusion from access to free counselling. We acknowledge that the Government has recently passed legislative amendments<sup>21</sup> to the *Motor Accident Injuries Act 2017*, which enables the State Insurance Regulatory Authority to operate a trauma support service that extends to family victims.<sup>22</sup> Given the amendment was only recently enacted, the existence, scope and nature of that support service appears to remain in a development stage. However, in our submission, the Commission's review should consider whether to recommend that the proposed counselling support provided by the State Insurance Regulatory Authority is equivalent to that provided to victims of crime under the VRS Act.

The WAS has also received feedback from victims that the operation of the civil compensation scheme is complicated and difficult to navigate without legal or expert guidance on the type and nature of claim required. We suggest that consideration be given to any submissions received from victim-aligned stakeholders on this issue, with a view to minimising the complexity involved in navigating the compensation system.

#### Quantum of compensation

The Commission may also wish to consider the quantum of compensation ordinarily available for serious road crimes resulting in grievous bodily harm or death and violent crimes resulting in grievous bodily harm or death under the two different schemes to ensure that there is no inequity.

#### Recognition of harm to the victim or deceased's family

The *Crimes (Sentencing Procedure) Act 1999* provides a mechanism for recognition of a victim's experience. Pursuant to Part 3, Division 2 of that Act, a victim is able to provide a victim impact

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<sup>19</sup> Section 3 *Motor Accidents Compensation Act 1999*.

<sup>20</sup> Section 25 (2A) and (2B) *Motor Accidents Compensation Act 1999*.

<sup>21</sup> *Motor Accident Injuries Amendment Bill 2022*; assented to 28/11/22.

<sup>22</sup> Section 11.1A *Motor Accident Injuries Act 2017*.





statement to the Court that outlines the personal and emotional harm, suffering and financial loss that has occurred as a result of a crime.<sup>23</sup> In matters involving the death of a victim, a family victim is entitled to provide a victim impact statement outlining the effect the death of the deceased has had on them.<sup>24</sup> In each case the Court must take into account the contents of the victim impact statement<sup>25</sup> and in appropriate circumstances the Court may rely on the statement to establish aggravating factors.<sup>26</sup>

Additionally, in serious road crimes that cause death, the Act also permits the prosecutor to apply for the victim impact statement to be taken into account by a court in determining the appropriate punishment for the offence on the basis that the impact of a death on a family victim is an aspect of harm done to the community.<sup>27</sup>

In our view the Act provides a proper avenue for the harm occasioned to victims to be considered from a sentencing perspective.

### Use of Terminology

Victims of serious road crimes frequently advise that the use of the term 'accident' in criminal proceedings is distressing. The use of the term by legal practitioners, judicial officers and the media in relation to these matters is frequently presumed by victims to indicate a view that there is a 'lack of criminal responsibility' for such offending conduct. Framing the alleged offending as an 'accident' may also impact on a jury's consideration of a matter in their role as the tribunal of fact. In the view of the ODPP, the use of the term 'accident' should therefore be avoided in the prosecution of serious road crimes, and the Commission should give consideration as to how this might best be facilitated.

The ODPP notes that issue has been considered in the United Kingdom, resulting in the release of *Road Collision Reporting Guidelines*.<sup>28</sup> This guide may be of some assistance in determining the appropriate terminology to be used in this jurisdiction. Further, training and guidance for judicial officers and legal practitioners may assist in ameliorating this issue.

Similarly, the guidance provided by the State Insurance Regulatory Authority website for victims or family victims making compensation claims uses the term 'accident'.<sup>29</sup> Consideration should be given to whether this term continues to be appropriate or should be substituted, and/or whether victims of serious road crimes should be referred to an alternative webpage, with alternative forms, which acknowledge their status as a victim or family victim of a criminal offence.

Thank you for the opportunity to make this submission. For any further information, please contact [REDACTED]

Yours faithfully

[REDACTED]  
Sally Dowling SC  
**Director of Public Prosecutions**

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<sup>23</sup> Section 28(1) *Crimes (Sentencing Procedure) Act 1999*.

<sup>24</sup> Section 28(2) *Crimes (Sentencing Procedure) Act 1999*.

<sup>25</sup> Section 30E(1) *Crimes (Sentencing Procedure) Act 1999*.

<sup>26</sup> See *Culbert v R* [2021] NSWCCA 38; *R v Tuala* [2015] NSWCCA 8.

<sup>27</sup> Section 30E(3) *Crimes (Sentencing Procedure) Act 1999*.

<sup>28</sup> <https://www.rc-rg.com/guidelines>.

<sup>29</sup> <https://www.sira.nsw.gov.au/claiming-compensation/motor-accidents-injury-claims/from-1-december-2017>.



## Annexure A – Table of serious road crimes and maximum penalties

Offence	Section and Act	Maximum penalty
Manslaughter	S 18 <i>Crimes Act</i>	25 years
Aggravated dangerous driving occasioning death	S 52A(2) <i>Crimes Act</i>	14 years
Aggravated dangerous driving occasioning grievous bodily harm:	S 52A(4) <i>Crimes Act</i>	11 years
Dangerous driving occasioning death	S 52A(1) <i>Crimes Act</i>	10 years
Failing to stop and assist after vehicle impact causing death	S 52AB(1) <i>Crimes Act</i>	10 years
Failing to stop and assist after vehicle impact causing grievous bodily harm	S 52AB(2) <i>Crimes Act</i>	7 years
Dangerous driving occasioning grievous bodily harm	S 52A(3) <i>Crimes Act</i>	7 years
Predatory driving	S 51A <i>Crimes Act</i>	5 years
Failing to stop and driving recklessly or at a speed or in a manner dangerous to others in response to a police pursuit	S 51B <i>Crimes Act</i>	3 years – first offence 5 years- subsequent offence
Causing actual bodily harm while in charge of a vehicle by wanton or furious driving, racing or other misconduct, or by wilful neglect	S 53 <i>Crimes Act</i>	2 years
Negligent driving causing death	S 117(1)(a) <i>Road Transport Act</i>	18 months and/or \$3,300– first offence 2 years and/or \$5,500 – subsequent offence