

## Criminal Code Q&As

The Northern Territory Government has amended the Criminal Code, effective from 19 November 2008. The amendments create two new offences, namely endangering occupants of vehicles or vessels, and hit and run.

### ENDANGERING OCCUPANTS OF VEHICLES OR VESSELS

**Q1.** Who does this offence apply to?

**A.** Anyone who throws something, such as a rock or bottle, or points a laser at a vehicle or a vessel (boat).

**Q2.** What is the penalty?

**A.** The maximum penalty is four years imprisonment.

**Q3.** What if no one gets hurt or no damage is caused?

**A.** That does not matter. This offence is targeted at those situations where no injury or damage is caused, and focuses on the danger posed by throwing something or pointing a laser at a car or boat.

**Q4.** What if someone does get hurt or damage is caused?

**A.** If actual harm or damage is caused this offence can still be charged. However, there are several other offences in the Criminal Code that could also be charged, depending on how much harm or damage is caused and what the person causing the harm or damage intended.

**Q5.** Does the person have to intend to hurt someone or cause damage?

**A.** No. For this offence, the person just has to know or be aware of a substantial risk that someone might be harmed or damage may be caused.

### HIT AND RUN

**Q1.** Who does this offence apply to?

**A.** It applies to the driver of a vehicle involved in an incident where someone is killed or seriously harmed. A vehicle includes cars, trucks, motorbikes and bicycles.

**Q2.** What are the obligations of the driver?

**A.** If a vehicle is involved in an incident where someone is killed or seriously harmed, then the driver **MUST** stop and render what assistance is reasonable in the circumstances.

The courts will consider what is reasonable assistance depending on the facts of a particular case.

**Q3.** What if the driver does not realise that someone has been killed or seriously harmed?

**A.** The driver has to know or be reckless as to whether the vehicle is involved in an incident and also know or be reckless as to whether someone has been killed or seriously harmed. Being reckless means that the driver is aware there is a substantial risk that the vehicle has been involved in an incident and that someone has been killed or seriously harmed and in those circumstances fails to stop.

# Criminal Code

## Q&As

### HIT AND RUN - Continued

**Q4.** What are the penalties?

**A.** If someone is killed the maximum penalty is 10 years imprisonment. If someone is seriously harmed the maximum penalty is seven years imprisonment.

These penalties mirror the penalties for dangerous driving causing death and dangerous driving causing serious harm. The penalties reflect that the abandonment of someone who is dead, dying or seriously hurt deserves serious punishment. It also removes the incentive for those people who flee the scene of an accident because they fear they will be charged with a dangerous driving offence.