

# WHAT YOU DO IF YOU HAVE AN ACCIDENT?

## WHAT DOES THE LAW SAY?

### ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999 NO 20

70 Offence of failing to stop and assist after impact causing injury

(1) A person is guilty of an offence if:

- (a) a vehicle or horse being driven or ridden by the person on a road or road related area is involved in an impact occasioning the death of, or injury to, another person; and
- (b) the person knows, or ought reasonably to know, that the vehicle or horse has been involved in an impact occasioning injury to another person; and
- (c) the person fails to stop and give any assistance that may be necessary and that it is in his or her power to give.

**MAXIMUM PENALTY:** 30 penalty units or imprisonment for 18 months or both (in the case of a first offence) or 50 penalty units or imprisonment for 2 years or both (in the case of a second or subsequent offence).

(2) For the purposes of this section, the circumstances in which a vehicle is involved in an impact occasioning the death of, or injury to, a

person include if the death or injury is occasioned through any of the following:

- (a) the vehicle overturning or leaving a road or road related area while the person is being conveyed in or on that vehicle (whether as a passenger or otherwise);
- (b) an impact between any object and the vehicle while the person is being conveyed in or on that vehicle (whether as a passenger or otherwise);
- (c) an impact between the person and the vehicle;
- (d) the impact of the vehicle with another vehicle or an object in, on or near which the person is at the time of the impact;
- (e) an impact with anything on, or attached to, the vehicle;
- (f) an impact with anything that is in motion through falling from the vehicle;
- (g) the person falling from the vehicle, or being thrown or ejected from the vehicle, while being conveyed in or on the vehicle (whether as a passenger or otherwise); or

(h) an impact between any object (including the ground) and the person, as a consequence of the person (or any part of the person) being or protruding outside the vehicle, while the person is being conveyed in or on the vehicle (whether as a passenger or otherwise).

(3) For the purposes of this section, a vehicle is also involved in an impact occasioning the death of, or injury to, a person if:

- (a) the death or injury is occasioned through the vehicle causing an impact between other vehicles or between another vehicle and any object or person or causing another vehicle to overturn or leave a road or road related area; and
- (b) the prosecution proves that the vehicle caused the impact.

(4) In this section, object includes an animal, building, structure, earthwork, embankment, gutter, stormwater channel, drain, bridge, culvert, median strip, post or tree.

**NOTE:** Similar obligations are imposed on a person by section 52AB of the Crimes Act 1900 in relation to impacts causing death or grievous bodily harm.

## WHAT ARE MY OBLIGATIONS?

The legal obligations of a driver involved in a crash in NSW are covered by Rule 287 of the Road Rules 2008 (NSW).

### EXCHANGING INFORMATION

Under Rule 287, the driver of a vehicle involved in a crash must give certain particulars to:

- other drivers involved in the crash or representatives of such drivers.
- anyone injured in the crash.
- the owner of property (including any vehicle) damaged in the crash (or the owner's representative). There is an exception, in that it is not necessary to give the particulars to the owner of another vehicle or the owner's representative if the particulars have been given to the driver or the driver's representative.

### THE REQUIRED PARTICULARS

The information that must be given the 'required particulars' is as follows:

- the driver's name and address.
- the name and address of the vehicle's owner.
- the vehicle registration number.
- other details needed to identify the vehicle.

### REPORTING TO THE POLICE

Under Rule 287, the required particulars must be given to a police officer if:

- anyone is killed or injured; or
- the particulars are not given to drivers, injured persons and owners and/or representatives of drivers and owners as set out above; or
- a vehicle is towed or carried away; or
- a police officer asks for any required particulars.

Where particulars are required to be given to a police officer, in addition to the required particulars an explanation of the circumstances of the crash must be given.

Where these details are required to be given to the police, this must be done as soon as possible after the crash but, except in exceptional circumstances, within 24 hours.

### REQUIREMENT TO STOP AND GIVE ASSISTANCE

Under s.70 of the Road Transport (Safety and Traffic Management) Act 1999, the driver of a vehicle involved in an accident that causes death or injury must stop and give all possible assistance.

### PRACTICAL STEPS

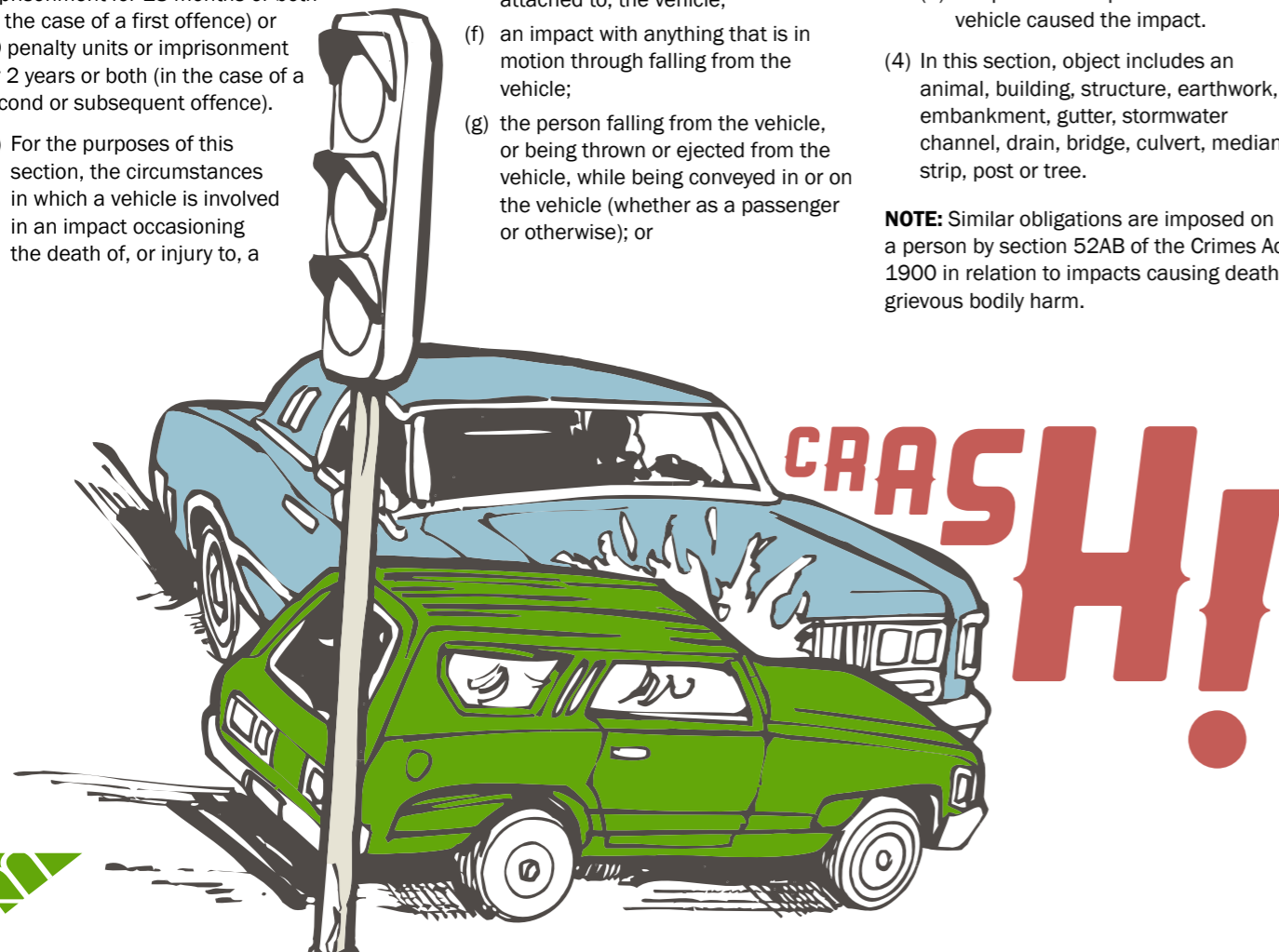
A driver involved in an accident should first meet the legal requirements described above; that is:

1. exchange the required particulars with other drivers.
2. report the accident to police if necessary.
3. assist accident victims if necessary.

The driver should also, if possible:

- take the names and addresses of witnesses.
- make notes of any conversation with other people involved in the accident.
- make a sketch plan of the scene, including distances, width of street, lane markings and other relevant details.
- take photographs of the scene.
- find out whether the other vehicle is insured, and if so with which company.
- make no admissions about liability for the accident. This may invalidate insurance claims.
- remove debris from the road. If an injured driver cannot do this, the person who removes the vehicle should clear the road.

Drivers should take all precautions necessary to prevent any other motorists colliding with the crashed vehicles.



**“ UNDER SECTION 70 OF THE ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999, THE DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT THAT CAUSES DEATH OR INJURY MUST STOP AND GIVE ALL POSSIBLE ASSISTANCE. ”**