



Case Watch Bulletin

Why Should You Always Stop for the Police?

In the recent decision of Williams V Commissioner of Police [2015] QDC134 Ms Williams was successful in her appeal against a conviction for failing to stop a motor vehicle pursuant to Section 754 of the Police Powers and Responsibilities Act 2000.

This was legislation that was introduced in recent years to attempt to stop people evading police and causing pursuits that would endanger lives and property. The provision is harsh because upon conviction it could be a penalty of a minimum of \$5,500.00 or 50 days in jail, and disqualification for a minimum of 2 years of driver licence.

In our case Ms Williams was also charged with being unlicensed, driving whilst intoxicated, and driving dangerously.

She pleaded guilty to these offences.

The question for the Court was whether upon activation of the police lights and siren, there was sufficient time for Williams to have been aware that she was required to stop and if so whether she did fail to stop.

The role of the Court on appeal was to re-examine the evidence before the Magistrate.

It was not disputed that Williams was driving on the road in question, but the evidence from the police officers called was unclear as to when the lights and siren came on. One of the officers called says that she was “not good with measurements”.

The evidence was then that Williams’ car turned into a side street where her vehicle was then seen stationary.

Throughout the “chase” there was a hill and Williams said that “you could not see anything behind you”. It was due to this uncertainty that the appeal Judge thought that this may not have been sufficient for a reasonable person in the circumstances to have acted and stopped their vehicle accordingly.

He found the police evidence was “largely unsatisfactory”. This was because it did not establish distances beyond doubt and the police motor vehicle did not get close enough to Williams’ motor vehicle for there to be no dispute that a reasonable person would have stopped.

Accordingly, the conviction was quashed and the appellant was found not guilty of the offence.

However, this case serves to show the importance of obeying police direction, especially whilst one is on the road. Attempting to evade police whilst obviously being dangerous, will also lead to catastrophic penalty if the person charged is found guilty of the offence. In particular, reference is made to the minimum 2 year period of licence disqualification for this offence.