

Crimes Amendment (Grievous Bodily Harm) Bill 2005

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* to ensure that offences under that Act relating to the infliction of grievous bodily harm extend to the destruction by a person of the foetus of a pregnant woman (other than in the course of a medical procedure).

The offences so extended by the Bill include the following:

- (a) section 33—intentional infliction of grievous bodily harm on a person (maximum penalty: imprisonment for 25 years),
- (b) section 35—malicious infliction of grievous bodily harm on a person (maximum penalty: imprisonment for 7 years),
- (c) section 52A—dangerous driving causing grievous bodily harm (maximum penalty: imprisonment for 7 years or, in the case of aggravated dangerous driving, imprisonment for 11 years),
- (d) section 54—negligently causing grievous bodily harm (maximum penalty: imprisonment for 2 years).

The amendment codifies the decision of the Court of Criminal Appeal in *R v King* [2003] NSW CCA 399. The amendment does not affect the current law with respect to the lawful termination of pregnancies.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the amendment to the *Crimes Act 1900* set out in Schedule 1.

Schedule 1 Amendment

The Schedule amends the definition of ***grievous bodily harm*** in section 4 of the Act to give effect to the object set out above.