

New South Wales

Crimes Amendment (Grievous Bodily Harm) Bill 2005

Explanatory note

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.

First print

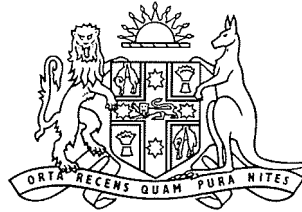


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Crimes Amendment (Grievous Bodily Harm) Bill 2005

No. , 2005

A Bill for

An Act 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 of the foetus of a pregnant woman (other than in the course of a medical procedure).

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Grievous Bodily Harm) Act 2005</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Amendment of Crimes Act 1900 No 40	6
The <i>Crimes Act 1900</i> is amended as set out in Schedule 1.	7

Schedule 1 Amendment

1

(Section 3)

2

Section 4 Definitions

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Omit the definition of *Grievous bodily harm* in section 4 (1). Insert instead:

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Grievous bodily harm includes:

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- (a) the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm, and
- (b) any permanent or serious disfiguring of the person.

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