

## 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*:

(a) to establish a separate offence for conduct causing serious harm to or the destruction of a child in utero, and

(b) to extend the offence of dangerous driving causing death or grievous bodily harm to dangerous driving causing the destruction of, or serious harm to, a child in utero.

### 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 to the proposed Act.

### Schedule 1

#### Amendment of Crimes Act 1900 No 40

**Schedule 1 [2]** creates a new offence of conduct causing serious harm to or the destruction of a child in utero. The offence will apply if the person who causes the serious harm or destruction is reckless as to whether his or her conduct causes serious harm to any person. The offence will not apply to medical procedures or to conduct engaged in by or with the consent of the mother of the child in utero. The offence will carry a maximum penalty of 10 years imprisonment.

**Schedule 1 [1]** changes the definition of *Grievous bodily harm* so that it no longer includes the destruction of the foetus of a pregnant woman. Conduct causing such harm will be covered by the new offence described above.

**Schedule 1 [3]** extends the offence of dangerous driving causing death or grievous bodily harm so that it applies to dangerous driving causing the destruction of, or serious harm to, a child in utero. **Schedule 1 [4]** defines child in utero for the purposes of that extension.

**Schedule 1 [5]** ensures that dangerous driving causing death or grievous bodily harm is an alternative verdict to a charge of recklessly harming or destroying a child in utero.