LEGISLATIVE COUNCIL

Crimes Amendment (Zoe's Law) Bill 2017

First print

Proposed amendments

No. 1 Long title
Omit “a child in utero”. Insert instead “the foetus of a pregnant woman”.

No. 2 Change of name of bill
Page 2, clause 1. Omit “Zoe’s Law”. Insert instead “Grievous Bodily Harm”.

No. 3 Definition of “grievous bodily harm”
Page 3. Omit Schedule 1 [1]. Insert instead:

[1] Section 4 Definitions
Insert “of not more than 24 weeks gestation” after “woman” where firstly occurring in the definition of Grievous bodily harm in section 4 (1).

No. 4 Offence of harming or destroying foetus of pregnant woman
Page 3, Schedule 1 [2]. Omit proposed section 41AA. Insert instead:

41AA Offences involving harm to or destruction of foetus of more than 24 weeks gestation

(1) A person who engages in any conduct that causes serious harm to, or the destruction of, the foetus of a pregnant woman, with intent to cause serious harm to the woman or any other person, is guilty of an offence.

Maximum penalty: Imprisonment for 25 years.

(2) A person who engages in any conduct that causes serious harm to, or the destruction of, the foetus of a pregnant woman, being reckless as to whether the conduct causes serious harm to the woman or any other person, is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

(3) This section does not apply:

(a) to anything done in good faith by a medical practitioner, or a person acting under the direction of a medical practitioner, in the course of a medical procedure (including an abortion) performed by the medical practitioner, or

(b) to anything done by or with the consent of the pregnant woman concerned.
(4) For the purposes of this section, serious harm to or the destruction of the foetus of a pregnant woman includes serious harm or death occurring after birth, if the serious harm or death occurred during the pregnancy.

(5) In this section:

*foetus of a pregnant woman* means a foetus of more than 24 weeks gestation.

No. 5  
Dangerous driving offences
Page 3, Schedule 1 [3]. Omit proposed section 52A (7A). Insert instead:

(7A) Protection of foetus of pregnant woman

A reference in this section and in section 52AA to the death of a person, or to grievous bodily harm to a person, includes a reference to the destruction of, or serious bodily harm to, the foetus of a pregnant woman of more than 24 weeks gestation.

No. 6  
Dangerous driving offences
Page 3. Omit Schedule 1 [4].