

Crimes Amendment (Rock Throwing) Bill 2008

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 create a specific offence, punishable by imprisonment for 5 years, of throwing objects at, or dropping objects on or towards, vehicles or vessels on roads, railways and navigable waters. The Bill also makes consequential amendments to the *Criminal Procedure Act 1986* to require the new offence to be dealt with summarily unless the prosecutor elects otherwise.

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 a date to be proclaimed.

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

Clause 4 is a formal provision that gives effect to the consequential amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Crimes Act 1900

Schedule 1 amends the *Crimes Act 1900* to provide for a new offence of intentionally throwing an object at, or dropping an object on or towards, a vehicle or vessel on any road (or road related area), railway or navigable waters. It will be necessary for the prosecution to prove that there was a person in the vehicle or vessel and that the conduct of the accused risked the safety of a person. However, it will not be necessary to prove that the accused was aware that his or her conduct risked the safety of a person or that the object concerned actually made contact with the vehicle or vessel.

The new offence will apply not only to motor vehicles but also to trains and trams, bicycles, and certain other road users. The maximum penalty for the new offence is 5 years imprisonment.

Schedule 2 Consequential amendment of Criminal Procedure Act 1986

Schedule 2 amends the *Criminal Procedure Act 1986* so that the new offence is triable summarily, unless the prosecutor elects to have the matter prosecuted on indictment. It also provides for the maximum penalty for the offence when dealt with summarily.