



New South Wales

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.

First print



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New South Wales

Crimes Amendment (Rock Throwing) Bill 2008

No. , 2008

A Bill for

An Act to amend the *Crimes Act 1900* with respect to the throwing of rocks and other objects at vehicles and vessels; and to make consequential amendments to the *Criminal Procedure Act 1986*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Rock Throwing) Act 2008</i> .	3
2 Commencement	4
This Act commences on a day to be appointed by proclamation.	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
4 Consequential amendments to Criminal Procedure Act 1986 No 209	8
The <i>Criminal Procedure Act 1986</i> is amended as set out in Schedule 2.	9
5 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

Schedule 1 Amendment of Crimes Act 1900

(Section 3)

Section 49A

Insert after section 49:

49A Throwing rocks and other objects at vehicles and vessels

- (1) A person is guilty of an offence if:
- (a) the person intentionally throws an object at, or drops an object on or towards, a vehicle or vessel that is on any road, railway or navigable waters, and
 - (b) there is a person in the vehicle or vessel, and
 - (c) the conduct risks the safety of any person.

Maximum penalty: Imprisonment for 5 years.

- (2) This section extends to a vehicle or vessel that is stationary at the time that the object is thrown or dropped.
- (3) In the prosecution of an offence under this section, it is not necessary to prove:
- (a) that the accused was aware that his or her conduct risked the safety of any person, or
 - (b) that the object made contact with the vehicle or vessel.

- (4) In this section:

road means a road or road related area within the meaning of the *Road Transport (General) Act 2005*.

throw includes propel.

vehicle includes:

- (a) a motor vehicle, and
- (b) a train or tram, and
- (c) a bicycle, and
- (d) a vehicle drawn by an animal or an animal ridden by a person.

Schedule 2	Consequential amendments to Criminal Procedure Act 1986	1
		2
	(Section 4)	3
[1]	Section 268 Maximum penalties for Table 2 offences	4
	Insert “49A,” after “35A (2),” in section 268 (2) (a).	5
[2]	Schedule 1 Indictable offences triable summarily	6
	Insert “49A,” after “35A (2),” in clause 1 of Table 2.	7