



New South Wales

Crimes Amendment (Zoe's Law) Bill 2019

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 an unborn child, 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, an unborn child.

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 an unborn child. 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 unborn child. The offence will carry a maximum penalty of 10 years imprisonment.

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

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

Schedule 1[5] ensures that dangerous driving occasioning death or grievous bodily harm is an alternative verdict for a charge of recklessly harming or destroying an unborn child.