

c2021-222B
GRNS--The Greens

LEGISLATIVE COUNCIL

Crimes Legislation Amendment (Loss of Foetus) Bill 2021

First print

Proposed amendments

- No. 1 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(1)(b), line 10. Omit "woman". Insert instead "person".
- No. 2 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(2), line 12. Omit "woman" wherever occurring. Insert instead "person".
- No. 3 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(2), line 15. Omit "woman's". Insert instead "person's".
- No. 4 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(4), line 21. Omit "woman". Insert instead "person".
- No. 5 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(4), line 23. Omit "woman". Insert instead "person".
- No. 6 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(5), line 29. Omit "woman". Insert instead "person".
- No. 7 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(6)(b), line 34. Omit "woman". Insert instead "person".
- No. 8 **Pregnant person**
Page 3, Schedule 1[1], proposed section 54A(6)(b), line 35. Omit "woman's". Insert instead "person's".
- No. 9 **Pregnant person not liable for act or omission that results in loss of foetus**
Page 3, Schedule 1[1], proposed section 54A(6)(b), line 35. Insert ", even if the act or omission is an unlawful act or omission" after "foetus".

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- No. 10 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B, line 1. Omit “woman”. Insert instead “person”.
- No. 11 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B, line 3. Omit “woman”. Insert instead “person”.
- No. 12 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(1)(b), line 6. Omit “woman”. Insert instead “person”.
- No. 13 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(1)(c), line 7. Omit “woman’s”. Insert instead “person’s”.
- No. 14 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(2), line 10. Omit “woman”. Insert instead “person”.
- No. 15 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(3), line 14. Omit “woman”. Insert instead “person”.
- No. 16 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(4), line 16. Omit “woman”. Insert instead “person”.
- No. 17 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(4), line 17. Omit “woman”. Insert instead “person”.
- No. 18 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(5)(b), line 21. Omit “woman”. Insert instead “person”.
- No. 19 **Pregnant person**
Page 4, Schedule 1[1], proposed section 54B(5)(b), line 22. Omit “woman’s”. Insert instead “person”.
- No. 20 **Pregnant person not liable for act or omission that results in loss of foetus**
Page 4, Schedule 1[1], proposed section 54B(5)(b), line 22. Insert “, even if the act or omission is an unlawful act or omission” after “foetus”.
- No. 21 **Pregnant person not liable for act or omission that results in loss of foetus**
Page 4, Schedule 1. Insert after line 38—

54C Review by Attorney General

- (1) The Attorney General must, within 3 years after the commencement of this section—
- (a) conduct a review of—
 - (i) the operation of sections 54A and 54B, and
 - (ii) the operation of the amendments of other Acts made by the *Crimes Legislation Amendment (Loss of Foetus) Act 2021*, and
 - (b) provide the report to the Presiding Officer of each House of Parliament.
- (2) A copy of a report provided to the Presiding Officer of a House of Parliament under subsection (1) must be laid before that House within 5 sitting days of that House after it is received by the Presiding Officer.

54D Reviews by BOCSAR

- (1) BOCSAR must—
 - (a) monitor prosecutions for an offence against section 54A or 54B, including who is prosecuted and the circumstances of the offence and prosecution, and
 - (b) prepare, and give to the Attorney General, a report about the matters mentioned in paragraph (a)—
 - (i) within 12 months after the commencement after this section, and
 - (ii) for the 3 subsequent years on at least an annual basis.
- (2) The Attorney General must provide a report given to the Attorney General under subsection (1) to the Presiding Officer of each House of Parliament.
- (3) A copy of a report provided to the Presiding Officer of a House of Parliament under subsection (2) must be laid before that House within 5 sitting days of that House after it is received by the Presiding Officer.
- (4) In this section—

BOCSAR means the Bureau of Crime Statistics and Research of the Department of Communities and Justice.

No. 22 Victim impact statements

Page 6, Schedule 1[2]. Insert after line 29—

- (3) If a pregnant person who is a primary victim but is not the person against whom the offence was committed loses the person's foetus as a result of the offence, a family victim may prepare a victim impact statement about the impact of the loss of the foetus on the family victim or other members of the immediate family only with the permission of the person who was pregnant.

No. 23 Stating the name of the foetus

Page 7, Schedule 3, lines 1—15. Omit all words on those lines.

No. 24 Pregnant person

Page 8, Schedule 4[1], proposed section 3.4(4), line 6. Omit "woman". Insert instead "person".

No. 25 Pregnant person

Page 8, Schedule 4[1], proposed section 3.4(5), line 9. Omit "woman" wherever occurring. Insert instead "person".

No. 26 Pregnant person

Page 8, Schedule 4[1], proposed section 3.4(5), line 9. Omit "woman's". Insert instead "person's".