

Crimes Amendment (Child Neglect) Bill 2004

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 revise child neglect offences under that Act. The Bill also makes a consequential amendment to the *Criminal Procedure Act 1986*.

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 day to be appointed by proclamation.

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

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

Schedule 1 Amendment of Crimes Act 1900

Schedule 1 [1] substitutes section 43 which deals with the offence of unlawful abandonment or exposure of a child under 7 years of age. The essential features and maximum penalty for the offence are retained, but the terms of the offence are being revised to replace the word “unlawful” and make other changes in line with the terminology of the new child neglect offence in proposed section 43A.

Schedule 1 [2] inserts section 43A to make it an offence if a person who has parental responsibility for a child under 16 years of age intentionally or recklessly fails to provide the child with the necessities of life, and thereby causes a danger of death or of serious injury to the child. The maximum penalty for this new child neglect offence is imprisonment for 5 years.

Schedule 1 [3] amends section 44 to remove references to a child or ward in the offence under that section since children and wards will now be covered by the new child neglect offence in proposed section 43A.

Schedule 2 Consequential amendment of Criminal Procedure Act 1986

Schedule 2 enables the new child neglect offence to be dealt with summarily unless the prosecutor or the accused elects otherwise. This is in line with the procedure for offences against sections 43 and 44 of the *Crimes Act 1900*.