

CRIMES (INJURIES) AMENDMENT ACT 1990 No. 101

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENT RELATING TO THE YEAR-AND-A-DAY
RULE

SCHEDULE 2—AMENDMENT RELATING TO GRIEVOUS BODILY
DISEASE



CRIMES (INJURIES) AMENDMENT ACT 1990 No. 101

NEW SOUTH WALES



Act No. 101, 1990

An Act to amend the Crimes Act 1900 to abolish the year-and-a-day rule with respect to death following the infliction of an injury; and to create the crime of maliciously and intentionally causing (or attempting to cause) a person to contract a grievous bodily disease. [Assented to 13 December 1990]

Crimes (Injuries) Amendment 1990

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Injuries) Amendment Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Crimes Act 1900 No. 40

3. The Crimes Act 1900 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENT RELATING TO THE YEAR-
AND-A-DAY RULE**

(Sec. 3)

(1) Section 1 (**Short title and contents of Act**):

In the matter relating to Part 3, omit "(1) *Homicide—ss. 18–25*", insert instead "*Homicide—ss. 17A–25*".

(2) Section 17A:

Before section 18, insert:

Date of death

17A. (1) The rule of law that it is conclusively presumed that an injury was not the cause of death of a person if the person died after the expiration of the period of a year and a day after the date on which the person received the injury is abrogated.

(2) This section does not apply in respect of an injury received before the commencement of this section.

**SCHEDULE 2—AMENDMENT RELATING TO GRIEVOUS
BODILY DISEASE**

(Sec. 3)

Section 36:

After section 35, insert:

Causing a grievous bodily disease

36. A person:

- (a) who maliciously by any means causes another person to contract a grievous bodily disease; or
- (b) who attempts maliciously by any means to cause another person to contract a grievous bodily disease,

with the intent in any such case of causing the other person to contract a grievous bodily disease, is liable to penal servitude for 25 years.

*[Minister's second reading speech made in—
Legislative Assembly on 22 November 1990
Legislative Council on 4 December 1990]*







2

FIRST PRINT

CRIMES (INJURIES) AMENDMENT BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Crimes Act 1900 so as:

- (a) to abolish the rule that an injury cannot be regarded as the cause of a person's death if the person dies later than a year and a day after the date on which the person received the injury; and
- (b) to create a new crime of maliciously and intentionally causing (or attempting to cause) a person to contract a grievous bodily disease.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 gives effect to the Schedules of amendments to the Principal Act.

SCHEDULE 1—AMENDMENT RELATING TO THE YEAR-AND-A-DAY RULE

Abolition of year-and-a-day rule

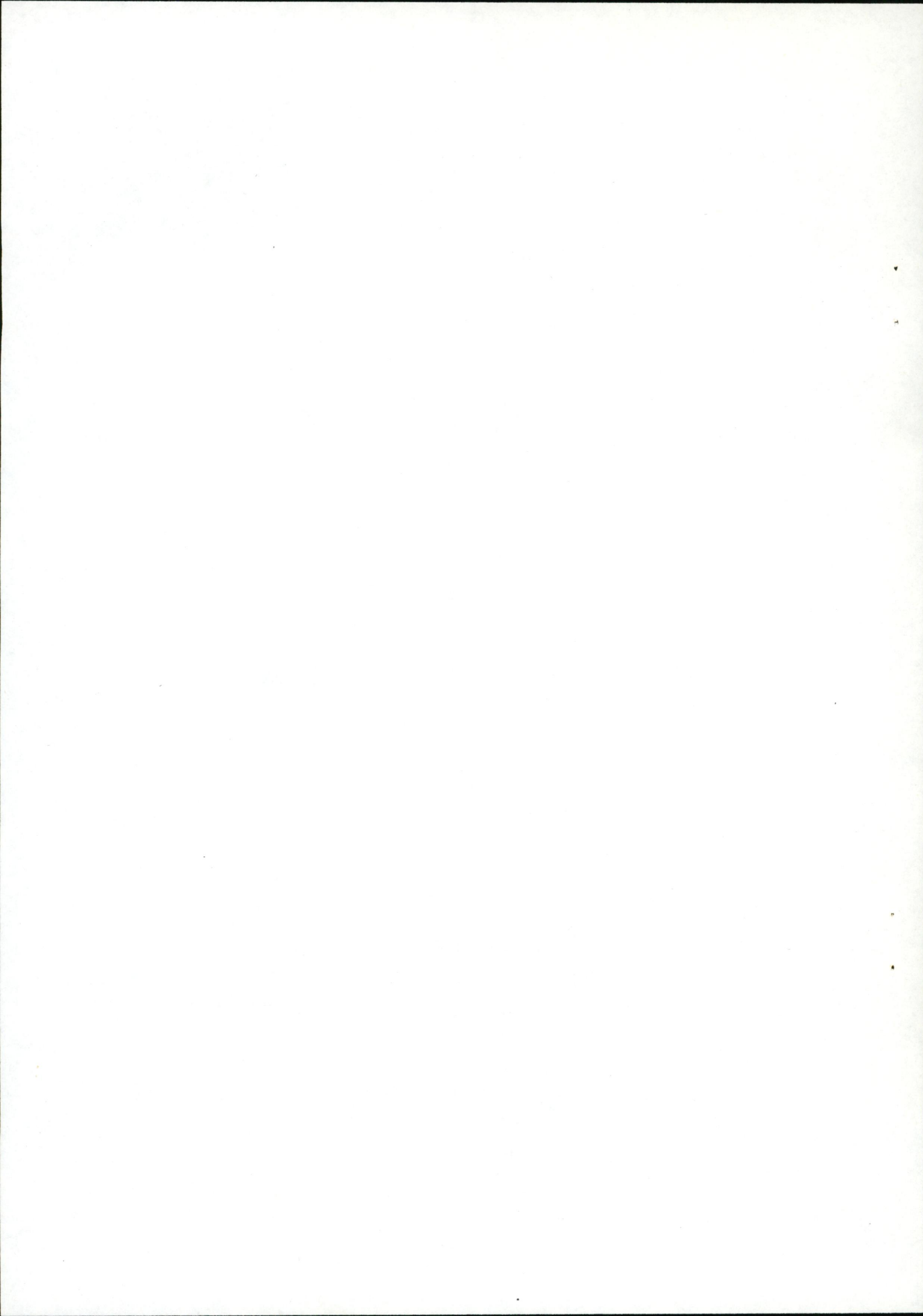
Schedule 1 (2) gives effect to object (a) of the Bill.

Schedule 1 (1) makes a consequential amendment.

SCHEDULE 2—AMENDMENT RELATING TO GRIEVOUS BODILY DISEASE

Causing a grievous bodily disease

Schedule 2 inserts proposed section 36 into the Principal Act. The section provides that a person is to be liable to a maximum penalty of 25 years' penal servitude if that person maliciously and intentionally causes (or attempts to cause) another person to contract a grievous bodily disease.



FIRST PRINT

CRIMES (INJURIES) AMENDMENT BILL 1990

NEW SOUTH WALES

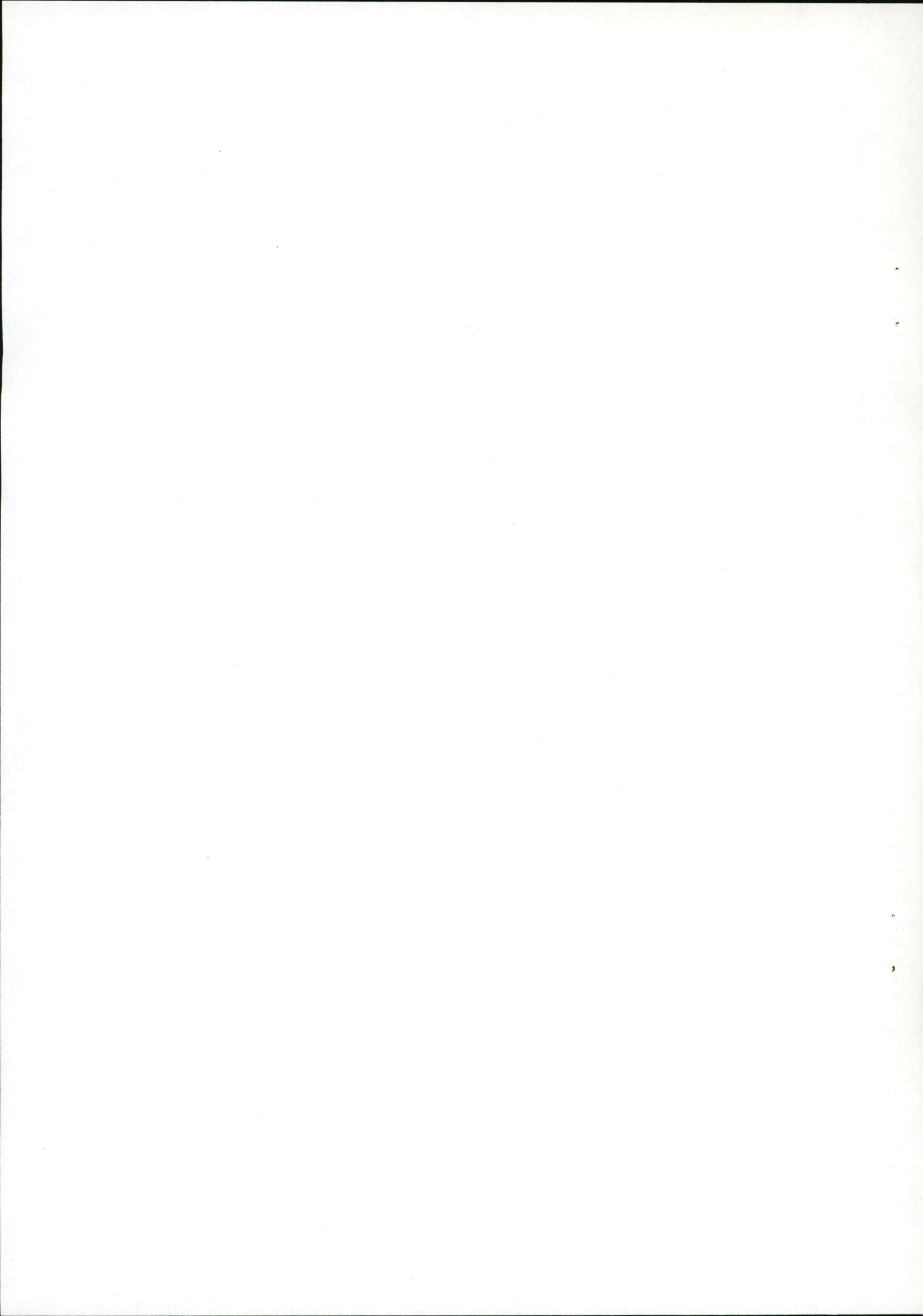


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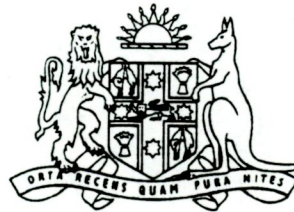
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DISEASE



CRIMES (INJURIES) AMENDMENT BILL 1990

NEW SOUTH WALES



No. , 1990

A BILL FOR

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