

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Pratt)

Crimes Amendment Bill 2005

A Bill for

An Act to amend the *Crimes Act 1900*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Crimes Amendment Act 2005*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Crimes Act 1900*.

**4 Offences against Act—application of Criminal Code etc
Section 7A, note 1, new dot point**

insert

- section 42A (Offences relating to unborn children)

5 New section 42A

insert

42A Offences relating to unborn children

(1) This section does not apply to—

- (a) a lawful abortion; or
- (b) anything done by a pregnant woman in relation to her own unborn child; or
- (c) anything done to save the life of, or preserve the health of, a woman who is pregnant or her unborn child; or
- (d) anything done otherwise within the usual and customary standards of medical practice.

- 1 (2) A person commits an offence if the person intentionally kills an
2 unborn child.
3 Maximum penalty: imprisonment for life.
- 4 (3) A person commits an offence if—
5 (a) the person intentionally assaults a pregnant woman; and
6 (b) the person knows or ought reasonably to know that the woman
7 is or may be pregnant; and
8 (c) in committing the assault, the person (directly or indirectly)
9 kills the woman's unborn child.
10 Maximum penalty: imprisonment for 20 years.
- 11 (4) A person commits an offence if—
12 (a) the person intentionally assaults a pregnant woman; and
13 (b) the person knows or ought reasonably to know that the woman
14 is or may be pregnant; and
15 (c) in committing the assault, the person (directly or indirectly)
16 does serious harm to the woman's unborn child.
17 Maximum penalty: imprisonment for 15 years.
- 18 (5) A person commits an offence if—
19 (a) the person commits an offence against section 29 (2) (which is
20 about culpable driving of a motor vehicle causing the death of
21 another person); and
22 (b) in committing the offence, the person (directly or indirectly)
23 kills an unborn child.
24 Maximum penalty: imprisonment for 7 years.

- 1 (6) A person commits an offence if—
- 2 (a) the person commits an offence against section 29 (3) (which is
- 3 about culpable driving of a motor vehicle causing grievous
- 4 bodily harm to another person); and
- 5 (b) in committing the offence, the person (directly or indirectly)
- 6 kills an unborn child.
- 7 Maximum penalty: imprisonment for 4 years.
- 8 (7) A person commits an offence if—
- 9 (a) the person commits an offence against—
- 10 (i) another provision of this part (other than section 29); or
- 11 (ii) the Criminal Code; and
- 12 (b) in committing the other offence, the person (directly or
- 13 indirectly) kills, or does serious harm to, an unborn child.
- 14 Maximum penalty: the maximum penalty for the other offence.
- 15 (8) In this section:
- 16 ***harm***, in relation to an unborn child, means physical harm to the
- 17 unborn child, including disfigurement and infection with a disease,
- 18 whether temporary or permanent.
- 19 ***serious harm***, in relation to an unborn child, means any harm
- 20 (including the cumulative effect of more than 1 harm) that—
- 21 (a) endangers, or is likely to endanger, the life of the unborn child;
- 22 or
- 23 (b) is, or is likely to be, significant and longstanding.
- 24 ***unborn child*** means an embryo or foetus at any stage of its
- 25 development.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
