

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Pratt)

Crimes Amendment Bill 2002

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 2002*.

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 Act amended

This Act amends the *Crimes Act 1900*.

4 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 a woman who is pregnant or her unborn child; or
- (d) anything done otherwise within the usual and customary standards of medical practice.

(2) A person commits an offence if the person intentionally destroys the life of an unborn child.

Maximum penalty: imprisonment for life.

(3) A person commits an offence if—

- (a) the person intentionally or recklessly assaults a pregnant woman; and

- 1 (b) the person knows or ought reasonably to know that the woman
2 is pregnant; and
- 3 (c) in committing the assault, the person (directly or indirectly)
4 destroys the life of, does grievous bodily harm to, or transmits
5 a serious disease to, the woman's unborn child.
- 6 Maximum penalty: imprisonment for 20 years.
- 7 (4) A person commits an offence if—
- 8 (a) the person commits an offence against another provision of this
9 part; and
- 10 (b) in committing the other offence, the person (directly or
11 indirectly) destroys the life of, does grievous bodily harm to, or
12 transmits a serious disease to, an unborn child.
- 13 Maximum penalty: imprisonment for 15 years.
- 14 (5) In this section:
- 15 *serious disease* means a disease that would, if left untreated—
- 16 (a) endanger or be likely to endanger life; or
- 17 (b) cause or be likely to cause permanent injury to health, loss of a
18 distinct part or organ of the body or serious disfigurement;
- 19 whether or not treatment is or could have been available.
- 20 *unborn child* means a fetus at any stage of its development.

Endnote

Republications of amended laws

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