



New South Wales

# Crimes Amendment (Rock Throwing) Act 2008 No 18

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New South Wales

# **Crimes Amendment (Rock Throwing) Act 2008 No 18**

Act No 18, 2008

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An Act to amend the *Crimes Act 1900* with respect to the throwing of rocks and other objects at vehicles and vessels; and to make consequential amendments to the *Criminal Procedure Act 1986*. [Assented to 20 May 2008]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crimes Amendment (Rock Throwing) Act 2008*.

**2 Commencement**

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

**3 Amendment of Crimes Act 1900 No 40**

The *Crimes Act 1900* is amended as set out in Schedule 1.

**4 Consequential amendments to Criminal Procedure Act 1986 No 209**

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.

**5 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1      Amendment of Crimes Act 1900

(Section 3)

### Section 49A

Insert after section 49:

#### 49A      Throwing rocks and other objects at vehicles and vessels

- (1) A person is guilty of an offence if:
  - (a) the person intentionally throws an object at, or drops an object on or towards, a vehicle or vessel that is on any road, railway or navigable waters, and
  - (b) there is a person in the vehicle or vessel, and
  - (c) the conduct risks the safety of any person.

Maximum penalty: Imprisonment for 5 years.

- (2) This section extends to a vehicle or vessel that is stationary at the time that the object is thrown or dropped.
- (3) In the prosecution of an offence under this section, it is not necessary to prove:
  - (a) that the accused was aware that his or her conduct risked the safety of any person, or
  - (b) that the object made contact with the vehicle or vessel.

- (4) In this section:

**road** means a road or road related area within the meaning of the *Road Transport (General) Act 2005*.

**throw** includes propel.

**vehicle** includes:

- (a) a motor vehicle, and
- (b) a train or tram, and
- (c) a bicycle, and
- (d) a vehicle drawn by an animal or an animal ridden by a person.

## **Schedule 2 Consequential amendments to Criminal Procedure Act 1986**

(Section 4)

**[1] Section 268 Maximum penalties for Table 2 offences**

Insert “49A,” after “35A (2),” in section 268 (2) (a).

**[2] Schedule 1 Indictable offences triable summarily**

Insert “49A,” after “35A (2),” in clause 1 of Table 2.

[Second reading speech made in Legislative Council on 7 May 2008

Agreement in principle speech made in Legislative Assembly on 14 May 2008]

BY AUTHORITY