

Passed by both Houses



New South Wales

Crimes Amendment (Rock Throwing) Bill 2008

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2008

Clerk of the Parliaments



New South Wales

Crimes Amendment (Rock Throwing) Bill 2008

Act No , 2008

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*.

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- (1) This Act is repealed on the day following the day on which this Act commences.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.

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.