

Crimes Amendment (Child Neglect) Act 2004 No 41

[2004-41]



New South Wales

Status Information

Currency of version

Repealed version for 6 July 2004 to 30 June 2005 (accessed 25 November 2024 at 10:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 3 to the [Statute Law \(Miscellaneous Provisions\) Act 2005 No 64](#) with effect from 1.7.2005.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Crimes Amendment (Child Neglect) Act 2004 No 41



New South Wales

An Act to amend the *Crimes Act 1900* with respect to child neglect offences; and to make a consequential amendment to the *Criminal Procedure Act 1986*.

1 Name of Act

This Act is the *Crimes Amendment (Child Neglect) Act 2004*.

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 amendment of *Criminal Procedure Act 1986* No 209

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

Schedule 1 Amendment of *Crimes Act 1900*

(Section 3)

[1] Section 43

Omit the section. Insert instead:

43 Abandoning or exposing a child under 7 years

A person who, without reasonable excuse, intentionally abandons or exposes a child under 7 years of age is guilty of an offence if it causes a danger of death or of serious injury to the child.

Maximum penalty: Imprisonment for 5 years.

[2] Section 43A

Insert after section 43:

43A Failure of persons with parental responsibility to care for child

(1) In this section:

child means a child under 16 years of age.

parental responsibility means the duties, powers, responsibilities and authority in respect of a child that, by law, parents have in relation to their children.

(2) A person:

(a) who has parental responsibility for a child, and

(b) who, without reasonable excuse, intentionally or recklessly fails to provide the child with the necessities of life,

is guilty of an offence if the failure causes a danger of death or of serious injury to the child.

Maximum penalty: Imprisonment for 5 years.

[3] Section 44 Not providing wife, child or servant with food etc

Omit “, child, ward” wherever occurring.

Schedule 2 Consequential amendment of [Criminal Procedure Act 1986](#)

(Section 4)

Schedule 1 Indictable offences triable summarily

Insert “, 43A” after “43” in item 2 of Table 1.