

Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Act 2011 No 64

[2011-64]



New South Wales

Status Information

Currency of version

Repealed version for 16 November 2011 to 16 November 2011 (accessed 21 December 2024 at 7:47)

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The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 17.11.2011.

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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New South Wales

An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make it an aggravating factor in sentencing for certain traffic offences where a child was present in the offender's vehicle.

1 Name of Act

This Act is the *Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Act 2011*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of *Crimes (Sentencing Procedure) Act 1999* No 92

[1] Section 21A Aggravating, mitigating and other factors in sentencing

Insert after section 21A (2) (o):

- (p) without limiting paragraph (ea), the offence was a prescribed traffic offence and was committed while a child under 16 years of age was a passenger in the offender's vehicle.

[2] Section 21A (5C)

Insert after section 21A (5B):

- (5C) For the purpose of subsection (2) (p), an offence under section 13 (2), 15 (4), 18B (2), 18D (2), 22 (2), 24D (1) or 29 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* is taken to have been committed while a child under 16 years of age was a passenger in the offender's vehicle if the offence was part of a series of events that involved the driving of the vehicle while the child was a passenger in the vehicle.

[3] Section 21A (6)

Insert in alphabetical order:

prescribed traffic offence means an offence under any of the following provisions:

- (a) sections 9, 11B (1) and (3), 12 (1), 13 (2), 15 (4), 18B (2), 18D (2), 22 (2), 24D (1) and 29 (2) of the *Road Transport (Safety and Traffic Management) Act 1999*,
- (b) sections 51B (1) and 52A (1) (a) and (3) (a) of the *Crimes Act 1900*,
- (c) section 52A (2) and (4) of the *Crimes Act 1900* in the circumstances of aggravation referred to in section 52A (7) (a), (c) or (d) of that Act.

[4] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Act 2011