



New South Wales

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

## **Contents**

---

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	3

---



New South Wales

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

Act No 64, 2011

---

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. [Assented to 16 November 2011]

---

---

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

**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.

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

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

---

**[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*

[Second reading speech made in Legislative Council on 20 October 2011  
Agreement in principle speech made in Legislative Assembly on 10 November 2011]

BY AUTHORITY