

New South Wales

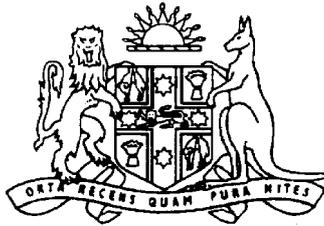
# Crimes Amendment (School Protection) Act 2002 No 135

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New South Wales

# Crimes Amendment (School Protection) Act 2002 No 135

Act No 135, 2002

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An Act to amend the *Crimes Act 1900* with respect to certain offences relating to school premises; and to amend the *Criminal Procedure Act 1986* consequentially. [Assented to 18 December 2002]

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

**1 Name of Act**

This Act is the *Crimes Amendment (School Protection) Act 2002*.

**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 Amendment of Criminal Procedure Act 1986 No 209**

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

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## Schedule 1 Amendment of Crimes Act 1900

(Section 3)

### Part 3 Offences against the person

Insert after Division 8A:

### Division 8B Assaults etc at schools

#### 60D Definitions

(1) In this Division:

*member of staff* of a school includes a person who performs voluntary work for the school.

*school* means:

- (a) an infants school, primary school or secondary school (however described), and
- (b) a child care facility for children under school age.

*school premises* includes parks and other community premises that are used by a school (but only while they are being used for the purposes of the school).

*school student* includes a child attending a child care facility.

(2) For the purposes of this Division, a school student or member of staff of a school is taken to be attending a school:

- (a) while the student or member of staff is on school premises for the purposes of school work or duty (even if not engaged in school work or duty at the time), or
- (b) while the student or member of staff is on school premises for the purposes of before school or after school child care, or
- (c) while entering or leaving school premises in connection with school work or duty or before school or after school care.

**60E Assaults etc at schools**

- (1) A person who assaults, stalks, harasses or intimidates any school student or member of staff of a school while the student or member of staff is attending a school, although no actual bodily harm is occasioned, is liable to imprisonment for 5 years.
- (2) A person who assaults a school student or member of staff of a school while the student or member of staff is attending a school and by the assault occasions actual bodily harm, is liable to imprisonment for 7 years.
- (3) A person who maliciously by any means:
  - (a) wounds a school student or member of staff of a school, or
  - (b) inflicts grievous bodily harm on a school student or member of staff of a school,while the student or member of staff is attending a school, is liable to imprisonment for 12 years.
- (4) A person who enters school premises with intent to commit an offence under another provision of this section is liable to imprisonment for 5 years.
- (5) Nothing in subsection (1) applies to any reasonable disciplinary action taken by a member of staff of a school against a school student.

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## **Schedule 2 Amendment of Criminal Procedure Act 1986**

(Section 4)

**[1] Section 28 Maximum penalties for Table 2 offences**

Insert “, 60E (1) and (4),” after “60C” in section 28 (2) (a).

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

Insert “60E (2),” after “60A (2),” in clause 2 of Part 1 of Table 1.

**[3] Schedule 1, Table 2**

Insert “, 60E (1) and (4),” after “60C” in clause 1 of Part 1.

[Second reading speech made in—

Legislative Assembly on 31 October 2002

Legislative Council on 21 November 2002]

BY AUTHORITY