



New South Wales

Crimes Amendment (Reckless Infliction of Harm) Act 2012 No 41

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Crimes Amendment (Reckless Infliction of Harm) Act 2012 No 41

Act No 41, 2012

An Act to amend the *Crimes Act 1900* with respect to offences involving the reckless infliction of harm. [Assented to 21 June 2012]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Reckless Infliction of Harm) Act 2012*.

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 35 Reckless grievous bodily harm or wounding

Omit section 35 (1)–(4). Insert instead:

(1) **Reckless grievous bodily harm—in company**

A person who, in the company of another person or persons:

- (a) causes grievous bodily harm to any person, and
- (b) is reckless as to causing actual bodily harm to that or any other person,

is guilty of an offence.

Maximum penalty: Imprisonment for 14 years.

(2) **Reckless grievous bodily harm**

A person who:

- (a) causes grievous bodily harm to any person, and
- (b) is reckless as to causing actual bodily harm to that or any other person,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

(3) **Reckless wounding—in company**

A person who, in the company of another person or persons:

- (a) wounds any person, and
- (b) is reckless as to causing actual bodily harm to that or any other person,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

(4) **Reckless wounding**

A person who:

- (a) wounds any person, and
- (b) is reckless as to causing actual bodily harm to that or any other person,

is guilty of an offence.

Maximum penalty: Imprisonment for 7 years.

[2] Section 60 Assault and other actions against police officers

Omit section 60 (3) and (3A). Insert instead:

- (3) A person who by any means:
 - (a) wounds or causes grievous bodily harm to a police officer while in the execution of the officer's duty, and
 - (b) is reckless as to causing actual bodily harm to that officer or any other person,is liable to imprisonment for 12 years.
- (3A) A person who by any means during a public disorder:
 - (a) wounds or causes grievous bodily harm to a police officer while in the execution of the officer's duty, and
 - (b) is reckless as to causing actual bodily harm to that officer or any other person,is liable to imprisonment for 14 years.

[3] Section 60A Assault and other actions against law enforcement officers (other than police officers)

Omit section 60A (3). Insert instead:

- (3) A person who by any means:
 - (a) wounds or causes grievous bodily harm to a law enforcement officer (other than a police officer) while in the execution of the officer's duty, and
 - (b) is reckless as to causing actual bodily harm to that officer or any other person,is liable to imprisonment for 12 years.

[4] Section 60E Assaults etc at schools

Omit section 60E (3). Insert instead:

- (3) A person who by any means:
 - (a) wounds or causes grievous bodily harm to a school student or member of staff of a school while the student or member of staff is attending a school, and
 - (b) is reckless as to causing actual bodily harm to that student or member of staff or any other person,is liable to imprisonment for 12 years.

[5] Section 105A Definitions

Omit the definition of *circumstances of special aggravation* from section 105A (1).

Insert instead:

circumstances of special aggravation means circumstances involving any or all of the following:

- (a) the alleged offender intentionally wounds or intentionally inflicts grievous bodily harm on any person,
- (b) the alleged offender inflicts grievous bodily harm on any person and is reckless as to causing actual bodily harm to that or any other person,
- (c) the alleged offender is armed with a dangerous weapon.

[6] Section 105A (2) (b)

Insert “or (b)” after “paragraph (a)”.

[7] Schedule 11 Savings and transitional provisions

Insert after Part 29:

Part 30 Crimes Amendment (Reckless Infliction of Harm) Act 2012

72 Application of amendments

An amendment made by the *Crimes Amendment (Reckless Infliction of Harm) Act 2012* applies only in respect of an offence committed, or alleged to have been committed, on or after the commencement of the amendment.

[Second reading speech made in—

Legislative Assembly on 30 May 2012

Legislative Council on 13 June 2012]