

Passed by both Houses



New South Wales

# Crimes Amendment (Reckless Infliction of Harm) Bill 2012

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2012*



New South Wales

## **Crimes Amendment (Reckless Infliction of Harm) Bill 2012**

Act No , 2012

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An Act to amend the *Crimes Act 1900* with respect to offences involving the reckless infliction of harm.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**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.

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## **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.

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**[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.