

[Act 2002 No 135]



New South Wales

Crimes Amendment (School Protection) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament. *

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* to include specific offences relating to the assault, harassment, stalking and intimidation of students and staff of schools on school premises or while entering or leaving school premises.

The Bill also amends the *Criminal Procedure Act 1986* consequentially.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Crimes Act 1900* set out in Schedule 1.

* Amended in committee—see table at end of volume.

Clause 4 is a formal provision that gives effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

Schedule 1 Amendment of Crimes Act 1900

Schedule 1 inserts a new Division 8B of Part 3 into the *Crimes Act 1900* that creates new offences in relation to school premises. A *school* is defined to mean a primary or secondary school or a child care facility for children under school age. *School premises* is defined to include parks and other community premises that are used by a school (but only while they are being used for the purposes of the school).

Proposed section 60E creates the following offences:

- (a) 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,
- (b) 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,
- (c) a person who maliciously by any means wounds, or 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,
- (d) a person who enters school premises with intent to commit any of the preceding offences is liable to imprisonment for 5 years.

A school student or member of staff of a school is taken to be attending a school at any time that he or she is on school premises for the purposes of school work or duty or before or after school child care, and while entering or leaving school premises.

Schedule 2 Amendment of Criminal Procedure Act 1986

The *Criminal Procedure Act 1986* enables certain indictable offences to be dealt with summarily by a Local Court and prescribes the maximum penalties that may be imposed when those offences are dealt with summarily. An offence listed in Table 1 to Schedule 1 to that Act (a *Table 1 offence*) must be dealt with summarily unless the prosecuting authority or the person charged with the offence elects to have the offence dealt with on indictment. An offence listed in Table 2 to Schedule 1 to that Act (a *Table 2 offence*) must be dealt with

summarily unless the prosecuting authority elects to have the offence dealt with on indictment.

Schedule 2 [1] prescribes the maximum penalty for an offence under proposed section 60E (1) and (4) of the *Crimes Act 1900* if dealt with summarily.

Schedule 2 [2] makes an offence under proposed section 60E (2) of the *Crimes Act 1900* a Table 1 offence.

Schedule 2 [3] makes offences under proposed section 60E (1) and (4) of the *Crimes Act 1900* Table 2 offences.