

Crimes Amendment (School Protection) Act 2002 No 135

[2002-135]



New South Wales

Status Information

Currency of version

Repealed version for 18 December 2002 to 21 July 2003 (accessed 7 August 2024 at 11:43)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Crimes Amendment (School Protection) Act 2002 No 135



New South Wales

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.

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.

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.

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.