

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

[2012-41]



New South Wales

Status Information

Currency of version

Repealed version for 21 June 2012 to 21 June 2012 (accessed 19 December 2024 at 7:51)

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The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 22.6.2012.

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 (Reckless Infliction of Harm) Act 2012 No 41



New South Wales

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

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.