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## **Draft Criminal Code Amendment (Bullying) Bill 2019**

### **Sexual Assault Support Service Inc. (SASS) Submission**

**January 2019**

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Sexual  
Assault  
Support  
Service

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## Draft Criminal Code Amendment (Bullying) Bill 2019

### *SASS submission*

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#### Introduction

Sexual Assault Support Service (SASS) is a free and confidential service for people of all ages who have been affected by any form of sexual violence, including intimate partner sexual violence. We also provide counselling to children and young people who are displaying problem sexual behaviour (PSB) or sexually abusive behaviour (SAB), along with support and information for their family members and/or carers.

The range of support options available at SASS includes counselling, case management and advocacy. We also provide information and support to professionals, and deliver training workshops and community education activities in a range of settings including schools and colleges.

SASS welcomes the opportunity to respond to the draft Criminal Code Amendment (Bullying) Bill 2019.

#### Comments

SASS strongly supports the proposal to amend the *Criminal Code Act 1924* (Tas) to criminalize severe acts of bullying.

We do have some concerns about the amendments requiring more than one event of bullying. It is foreseeable that one severe incident of bullying could cause as much physical or mental harm, including extreme humiliation, as a series of less severe incidents. We would ask the Department of Justice to consider reframing the Bill so that a person could be charged if they have committed one of the incidents described under Section 192 (1) (f), (g), (h) or (j), if that single incident is severe enough to cause on its own physical or mental harm or extreme humiliation. A set of criteria could be developed to assist in considering the severity of the incident (for example how widely the offensive material is shared or transmitted, or through what forums it is shared or transmitted).

In terms of intent, we recommend that consideration is given to including the 'reasonable person' test in determining intent under Section 192 (3).

The issue of cyber-bullying is a particularly pertinent one. SASS has also previously provided comments on the issue of 'revenge porn' (non-consensual sharing of intimate images) and we feel that a number of these points would be useful to consider in formulating this current draft Bill:

- [SASS submission](#) to a Federal Government consultation on civil penalties regime for non-consensual sharing of intimate images
- [SASS submission](#) to the Senate Inquiry into 'Revenge Porn'
- [SASS submission](#) to the Criminal Code Amendment (Private Sexual Material) Bill 2015

We support the Equal Opportunity Commissioner's point that whilst a criminal response is critical, we also need a multi-faceted approach to addressing cyber-bullying (including image-based abuse) that incorporates education and awareness-raising as well as a collaborative response with the eSafety Commissioner.

Notwithstanding the above points, we support the proposed reforms contained in this draft Bill.