

TASMANIA

**CRIMINAL CODE AMENDMENT (BULLYING)
BILL 2019**

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**CRIMINAL CODE AMENDMENT (BULLYING)
BILL 2019**

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

**An Act to amend the *Criminal Code Act 1924*, the
Community Protection (Offender Reporting) Act 2005 and
the *Family Violence Act 2004***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Criminal Code
Amendment (Bullying) Act 2019*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

s. 3

Part 2 – Criminal Code Act 1924 Amended

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

3. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting in the heading to Chapter XX of Part V “*and Bullying*” after “*Stalking*”;
- (b) by omitting from section 192(1) “harm” and substituting “harm or extreme humiliation”;
- (c) by inserting the following paragraphs after paragraph (e) in section 192(1):
 - (ea) making threats to the other person;
 - (eb) directing abusive or offensive acts towards the other person;
- (d) by inserting in section 192(1)(j) “physical or mental harm or extreme humiliation or” after “person”;

*No. 69 of 1924

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

Part 2 – Criminal Code Act 1924 Amended

s. 4

- (e) by omitting the charge from section 192(1) and substituting the following charge:

Charge: Stalking and bullying.

- (f) by omitting from section 192(3) “harm” first occurring and substituting “harm or extreme humiliation”;
- (g) by omitting from section 192(3) “harm” second occurring and substituting “harm or extreme humiliation”;
- (h) by inserting the following subsections after subsection (4) in section 192:

(5) A reference in this section to physical or mental harm includes, but is not limited to, a reference to self-harm.

(6) A prosecution under this section must not be commenced without the consent of the Director of Public Prosecutions.

- (i) by inserting the following section after section 461:

462. Application of *Criminal Code Amendment (Bullying) Act 2019*

(1) The amendments to this Act made by the *Criminal Code Amendment (Bullying) Act 2019* do not apply in relation to an

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

s. 4

Part 2 – Criminal Code Act 1924 Amended

offence committed before the day on which the amendments commence.

- (2) For the purposes of subsection (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of the *Criminal Code Amendment (Bullying) Act 2019*, the offence is alleged to have been committed before that commencement.

- (j) by omitting

Stalking.

from Appendix A and substituting the following item:

Stalking and bullying.

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

Part 3 – Community Protection (Offender Reporting) Act 2005 Amended

s. 5

PART 3 – COMMUNITY PROTECTION (OFFENDER REPORTING) ACT 2005 AMENDED

5. Principal Act

In this Part, the *Community Protection (Offender Reporting) Act 2005** is referred to as the Principal Act.

6. Schedule 2 amended (Class 2 offences)

Schedule 2 to the Principal Act is amended by omitting

Section 192(1)	Stalking
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and substituting:

Section 192(1)	Stalking and bullying
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7. Schedule 3 amended (Class 3 offences)

Schedule 3 to the Principal Act is amended by omitting

Section 192(1)	Stalking (if the person against whom the offence is committed is a child)
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and substituting:

*No. 61 of 2005

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

s. 7 Part 3 – Community Protection (Offender Reporting) Act 2005 Amended

Section 192(1)

Stalking and bullying (if the person against whom the offence is committed is a child)

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

Part 4 – Family Violence Act 2004 Amended

s. 8

PART 4 – FAMILY VIOLENCE ACT 2004 AMENDED

8. Principal Act

In this Part, the *Family Violence Act 2004** is referred to as the Principal Act.

9. Section 7 amended (Family violence)

Section 7 of the Principal Act is amended by inserting “and bullying” after “stalking” in paragraph (a)(iv) of the definition of *family violence*.

*No. 67 of 2004

Criminal Code Amendment (Bullying) Act 2019
Act No. of 2019

s. 10

Part 5 – Repeal of Act

PART 5 – REPEAL OF ACT

10. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.