CRIMINAL CODE AMENDMENT (BULLYING)
BILL 2019

CONTENTS

PART 1 – PRELIMINARY
1. Short title
2. Commencement

PART 2 – CRIMINAL CODE ACT 1924 AMENDED
3. Principal Act
4. Schedule 1 amended (Criminal Code)

PART 3 – COMMUNITY PROTECTION (OFFENDER REPORTING) ACT 2005 AMENDED
5. Principal Act
6. Schedule 2 amended (Class 2 offences)
7. Schedule 3 amended (Class 3 offences)

PART 4 – FAMILY VIOLENCE ACT 2004 AMENDED
8. Principal Act
9. Section 7 amended (Family violence)

PART 5 – JUSTICES ACT 1959 AMENDED
10. Principal Act
11. Schedule 3 amended
PART 6 – REPEAL OF ACT

12. Repeal of Act
CRIMINAL CODE AMENDMENT (BULLYING) BILL 2019

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, Clerk of the House
6 August 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, the Family Violence Act 2004 and the Justices Act 1959

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.
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, including self-harm, or extreme humiliation”;

(c) by inserting the following paragraphs after paragraph (e) in section 192(1):

   (ea) making threats to the other person or a third person;

   (eb) directing abusive or offensive acts towards the other person or a third person;

(d) by inserting in section 192(1)(j) “physical or mental harm, including self-harm, or extreme humiliation or” after “person”;

*No. 69 of 1924
(e) by omitting the charge from section 192(1) and substituting the following:

Charge: Stalking and bullying.

(f) by omitting from section 192(3) “harm” first occurring and substituting “harm, including self-harm, or extreme humiliation”;

(g) by omitting from section 192(3) “harm” second occurring and substituting “harm, including self-harm, or extreme humiliation”;

(h) by inserting the following subsections after subsection (4) in section 192:

(5) A reference in this section to mental harm includes a reference to suicidal thoughts.

(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
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.
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

and substituting:

Section 192(1)    Stalking and bullying

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)

and substituting:

*No. 61 of 2005
| Section 192(1) | Stalking and bullying (if the person against whom the offence is committed is a child) |
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.*
PART 5 – JUSTICES ACT 1959 AMENDED

10. Principal Act

In this Part, the *Justices Act 1959* is referred to as the Principal Act.

11. Schedule 3 amended

Schedule 3 to the Principal Act is amended by omitting “137, 192” from clause 1 of Part I and substituting “137”.

*No. 77 of 1959*
PART 6 – REPEAL OF ACT

12. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.